

Intellectual Property Law

90 Park Avenue New York NY 10016

Main 212 336 8000 Fax 212 336 8001 Web www.arelaw.com

September 19, 2003

Parines
Morton Amster
Jesse Rothstein (1974 - 2003)
Daniel Ebenstein
Philip Gottfried
Michael J. Berger
Neil M. Zipkin
Anthony F Lo Cicero
Kenneth P. George
Abraham Kasdan, Ph.D.
Ira E. Silfin
Chester Rothstein
Craig J. Arnold

Senior Counsel
Charles R. Macedo
Mark J. Rosenberg
Kenneth M. Bernstein
Of Counsel
Jerry D. Dainow

Associates
Neal L. Rosenberg
Nancy M. Dodderidge
Patrick Boland*
Trebor Lloyd
Joseph M. Casino

John S. Economou Michael V. Solomita Holly Pekowsky Michael P. Kenney Marion P. Metelski* Max Vern Dana R. Metes Karl J. Kolbinger Brian A. Comack Richard S. Mandaro Mare J. Jason Elie H. Gendloff, Ph.D. David Mitmick Charles W. Rath
David A. Boag
Karen J. Bernstein
Matthieu Hausig
Jung S. Hahm
Reiko Kaji
Alan D. Miller, Ph.D.
Flain-Hsin (Gingee) Liu

"Not admitted in New York

Anthony F. Lo Cicero Direct 212 336-8110 E-mail alocicero@arelaw.com

<u>via Facsimile</u>

Brian Davis, Esq. Chief Litigation Counsel VeriSign, Inc. 21355 Ridgetop Circle Dulles, VA 20166

Re:

Register.com, Inc.

SiteFinders

Our File: 71075/1

Dear Mr. Davis:

We represent Register.com, Inc., a leading domain name registrar and a direct competitor of your subsidiary Network Solutions, Inc. We are writing this letter to protest VeriSign's recently established SiteFinder service and to call upon VeriSign to immediately cease operation of the same. For the reasons set forth below, the SiteFinder service constitutes an abuse of VeriSign's power as the .com and .net registry, deceives the Internet community, confuses domain name registrants, and interferes with the business relations between Register.com and its registrants by means of deceptive acts and practices.

At the outset, VeriSign has deceived the Internet community with respect to its SiteFinder service by representing that the same only affects entries based on misspellings and typographical errors when, in fact, it targets domain names that are registered to current registrants. As VeriSign is well aware, many registrars, including Register.com have long-established business practices of disabling the DNS for recently-expired domain names, as a means of notifying the customers of their need to renew their registrations. Contrary to its public claims, VeriSign's SiteFinder service interferes with these active registrations, hijacking their DNS and pointing them to a monetized search engine.

Brian Davis, Esq.

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More than simply deceive the public, SiteFinder also interferes with Register.com's business and customer relationships. Register.com consciously and deliberately disables the DNS for registrations in the domain name grace period (for which Register.com has paid VeriSign the \$6 renewal fee), causing them not to resolve on the Internet, as a means of communicating the expiration and impending deletion of such domain names to its customers. Indeed, Register.com has elected to have such names not resolve in lieu of pointing the DNS to search engines or other Web sites of Register.com's choice in order to engender the goodwill and trust of its customers.

Certain other names being redirected by VeriSign to the SiteFinder Web site are also active registrations for which the registry fee has been paid. For example, names for which customers have chosen to disable the DNS and registrations that have been seized by Register.com, and for which it has disabled the DNS, all now point to SiteFinder.

Using and abusing its power as the exclusive .com and .net registry, VeriSign has usurped Register.com, and now causes expired domain names to point to a proprietary VeriSign Web site, under circumstances where the registrant can reasonably believe that such redirection has been accomplished by Register.com, pursuant to Register.com's relationship with the registrant, when in fact such misdirection has been caused entirely by VeriSign without the knowledge or authorization of Register.com or the registrant. These confused and deceived registrants may well disapprove of such redirection for competitive reasons (for example, a registrant in the travel service business may resent misdirection of its traffic to a web site which advertises competing travel services) or for non-competitive reasons (registrants who disapprove of online gambling may not approve of their traffic being directed to the VeriSign web site which links to numerous gambling web sites) or in some other ways, all of which can act to the serious damage and detriment to Register.com.

VeriSign's activities in operating its SiteFinder search service thus constitute the use in commerce of false designations of origin and false descriptions and representations as well as false advertising in violation of 15 U.S.C. § 1125(a), interference with Register.com's business relations with its registrants, unfair competition, deceptive acts and practices in violation of New York General Business Law Section 349, and potentially other violations of federal and state law.

In view of all of the foregoing, Register.com calls upon VeriSign to immediately discontinue its SiteFinder service, failing which Register.com will take such action as it believes appropriate under the circumstances to protect its valuable legal rights, its business relations with its registrants, and the rights of its registrants and consumers. We await your immediate response.

Brian Davis, Esq.

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Nothing contained herein shall be deemed to constitute a waiver of any of Register.com's rights or remedies, all of which are specifically reserved.

Very truly yours,

AMSTER, ROPHSTEIN & EBENSAEIN LLP

Anthony F. Lo Cicero

AFLoC/mk

cc: Roni Jacobson, Esq. Brett Lewis, Esq. Register.com, Inc.

> John Jeffrey, Esq. General Counsel ICANN



FACSIMILE

Intellectual Property Law

90 Park Avenue

New York, NY 10016

Main 212 336 8000

Fax

212 336 8001

Web

www.arelaw.com

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To:

Brian Davis, Esq.

Fax:

703/450-7326

Company:

VeriSign, Inc.

Voice:

To:

Brett Lewis, Esq./Roni Jacobson, Esq.

Fax:

212/594-9448

Company:

Register.com, Inc.

Voice: 212/798-5473

To:

John Jeffrey, Esq.

Fax:

310/823-8649

Company:

ICANN

Voice: 310/823-9358

From:

Anthony F. Lo Cicero, Esq.

Re: (C/M)

Register.com, Inc./SiteFinders (71075/1)

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