

# WILLKIE FARR & GALLAGHER

787 Seventh Avenue  
New York, NY 10019-6099  
Tel: 212 728 8000  
Fax: 212 728 8111

November 25, 2002

**VIA EMAIL [touton@icann.org](mailto:touton@icann.org)  
CONFIRMATION VIA FACSIMILE (310) 823-8649**

Louis Touton, Esq.  
General Counsel  
Internet Corporation for Assigned Names and Numbers (ICANN)  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601

Re: **<bloomberg.com> Domain Name Dispute**

Dear Mr. Touton:

We are counsel to Bloomberg L.P. ("Bloomberg"). We are writing to request that ICANN clarify its rules and procedures in regards to disputed domain names lapsing while pending decisions and amend the Uniform Domain Name Dispute Resolution Policy ("UDRP").

Bloomberg recently filed a complaint under the UDRP regarding the domain name <bloomberg.com> with the National Arbitration Forum ("NAF"). The registrar of the domain name, Intercosmos Media Group, Inc., verified the registration to NAF on September 20, 2002. However, the registration subsequently expired on October 2, 2002, and was registered by a new third party through a different registrar, Joker.com.

When our client brought these events to NAF's attention, NAF responded that it does not track domain name registration expirations, nor can it cause the new registration to be reversed. In an email dated November 20, 2002 from Mr. Timothy S. Cole, Director of Internet Dispute Solutions at NAF, our client was informed that NAF "has no authority over registrars and must rely upon ICANN to enforce orders, rules, and policies."

We also contacted the original registrar of the domain name, Intercosmos Media Group, Inc., and were informed in an email dated November 25, 2002 from Ms. Vivian Solares that Intercosmos does not place a freeze on a domain name pending decision under the UDRP, only a "registrar hold," which prevents it from being transferred to another registrar. The registrar hold, however, does not prevent a lapsed domain name from being deleted out of Intercosmos' system and released into the pool of available domain names.

Although the UDRP addresses transfers of a domain name and changes in registrars while a dispute proceeding is pending, it does not address expirations and subsequent registrations by other parties. There are currently no rules in place by ICANN to cover this eventuality. Because dispute resolution

Louis Touton, Esq.  
November 25, 2002  
Page 2 of 2

service providers such as NAF have no authority to establish or impose such rules, this effectively leaves our client with no recourse other than to file another UDRP complaint against the new registrant of the domain name <bloomberg.com>.

Accordingly, we respectfully request that ICANN amend the UDRP to require registrars to "freeze" disputed domain names while they are pending decisions in order to avoid scenarios like this one, in which our client will be forced to incur additional expenses in preparing a new complaint and is experiencing undue delays in recovering the disputed domain name.

Please contact the undersigned at (212) 728-8180 or [nsnitkovsky@willkie.com](mailto:nsnitkovsky@willkie.com) if you would like to discuss this matter further or require additional information. Thank you in advance for your assistance with this matter.

Very truly yours,



Natasha Snitkovsky

cc Alexander Kim  
Bloomberg L.P.

007237.00001/1130989.1