

April 4, 2002

BY TELECOPIER

Mr. Daniel E. Halloran
Internet Corporation for Assigned Names
and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey, California 90292-6601

Re: Cable News Network, L.P., L.L.L.P. v. CNNEWS.COM

Dear Mr. Halloran:

This office represents Maya Online Broadband Network (HK) Co., Ltd. ("Maya HK").

It has come to our attention that in the recent past, you have secretly communicated with Eastern Communications Co. Ltd. ("Eastcom") on behalf of a private sector party involved in litigation with Maya HK, and you have used the color of your office to support an attempt to intimidate Eastcom into breaching a domain name services agreement entered into in the People's Republic of China ("PRC"), under applicable PRC law, which agreement is valid and subsisting under PRC law.

Besides being ultra vires and antithetical to (1) ICANN's tax-exempt status and (2) ICANN's stated (and congressionally mandated) policy of neutrality and non-interference in private commercial litigation matters, your secretive action is particularly inexplicable in view of the Appeal No. 02-1112 pending before the United States Court of Appeals for the Fourth Circuit. A copy of Maya HK's opening brief to the Court of Appeals dated April 1, 2002, accompanies the confirmation copy of this letter.

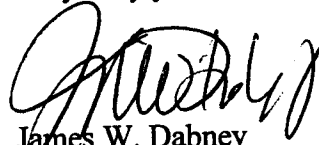
If Cable News Network ("CNN") has the legal rights it claims to have, it has full access to courts of competent jurisdiction with authority to enforce those rights. That CNN would attempt secretly to use you as a private, extra-judicial "enforcer" of a court judgment is rather dramatic testimony to the voidness and legal unenforceability of the judgment. That you would actually go along with such a secretive, extra-legal scheme of intimidation is regrettable, to put it mildly.

Mr. Daniel E. Halloran
April 4, 2002
Page 2

This letter will constitute a formal demand that you immediately rescind and withdraw any communication you have previously issued to Eastcom purporting to take any position on the merits of any claim of Cable News Network, L.P., L.L.L.P. in the above-entitled litigation, and that you and ICANN cease and desist from any future action purporting to enmesh ICANN in this purely private commercial litigation matter in which the plaintiff deliberately bypassed the Uniform Dispute Resolution Policy administered by ICANN.

We shall expect your response within five (5) days from the date of this letter.

Very truly yours,


James W. Dabney

Enclosure



ICANN

4 April 2002

BY TELECOPY AND POSTAL MAIL

James W. Dabney, Esq.
Pennie & Edmonds
1155 Avenue of the Americas
New York, New York 10036-2711

Dear Mr. Dabney:

I have reviewed your 4 April 2002 letter to Mr. Halloran, ICANN's chief registrar liaison, in which you complained about his communication with Eastern Communications Co., an ICANN-accredited registrar.

It appears that your letter was written without first checking the facts. I have enclosed a copy of Mr. Halloran's message to EastCom, which apparently gives rise to your careless allegation that Mr. Halloran is guilty of "secretly communicating."

Plainly, this message was neither secret (it was copied to all parties for which Mr. Halloran had addresses). Nor was the communication inappropriate in any way. It merely provides EastCom with a copy of correspondence that ICANN had received asserting that EastCom was in violation of an order of the United States District Court for the Eastern District of Virginia, a court of competent jurisdiction due to EastCom's submission of a Registrar Certificate tendering to that court "complete control and authority over the registration for the CNNEWS.COM domain name registration record." (See enclosed Registrar Certificate.)

As an ICANN-accredited registrar, EastCom has contractual responsibilities. These include its obligation under paragraph 3(b) of the Uniform Dispute Resolution Policy to "cancel, transfer or otherwise make changes to domain name registrations [upon its] receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action . . ." EastCom's obligations also include the requirement of subsection II.J.2 of EastCom's registrar accreditation agreement to "abide by applicable laws and governmental regulations."

ICANN expects the registrars it accredits to comply with the contractual obligations they have accepted in their accreditation agreements. It is entirely appropriate for ICANN to enforce those obligations when violations are called to its attention. It appears that the district court has issued an order that the domain name CNNEWS.COM is transferred to Plaintiff Cable News Network

376 Admiralty Way, Suite 330

Irvine, CA 92714-6601

(310) 823-9358

(310) 823-8649 FAX

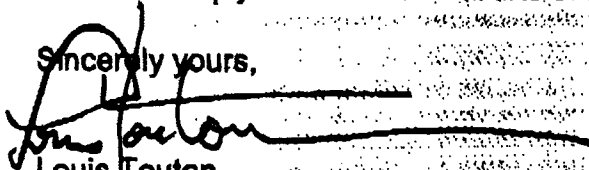
icann@icann.org

http://www.icann.org

James W. Dabney, Esq.
4 April 2002
Page 2

LLLP." Absent a stay of the effect of this order, EastCom is obliged to comply with that order under its accreditation agreement with ICANN. Your "formal demand" that Mr. Halloran's communication be "immediately rescinded" is respectfully declined. ICANN will take appropriate measures to enforce its agreements with registrars, including by requesting that those registrars obey the law and comply with orders of courts of competent jurisdiction.

Sincerely yours,



Louis Touton
General Counsel

Enclosures

cc: Phil Sbarboro, Esq.
David J. Stewart, Esq.
Mr. Danny Chen, Eastern Communications Co.

Dan Halloran

From: Dan Halloran [halloran@icann.org]
Sent: Tuesday, April 02, 2002 5:59 PM
To: 'danny@eastcom.com'
Cc: Phil Sbarboro (phils@verisign.com); 'dstewart@alston.com'
Subject: Cnnews.com -- Court Order

Letter and Order re
cnnews_com...

Danny,

Please find attached a .pdf file containing a letter that was sent to ICANN and a court order concerning the domain name cnnews.com.

The letter is from Mr. David Stewart, attorney for Cable News Network LP, LLLP (CNN). Attached to Mr. Stewart's letter is an order from the United States District Court ordering that the registration of this name be transferred to CNN. Also included in the .pdf is a "Registrar Certificate" signed by Eastern Communications, wherein Eastern Communications promised to comply with any such court order.

Mr. Stewart reports that he has experienced difficulty with obtaining Eastern Communications' assistance in the implementation of this court order. Please look into this right away and ensure that Eastern Communications promptly fulfills its responsibilities.

Thank you very much for your attention to this. Please feel free to contact me if you have any questions or if I can be of any assistance.

Best regards,
Dan Halloran
Chief Registrar Liaison
ICANN
halloran@icann.org
1-310-301-5822

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

David J. Stewart

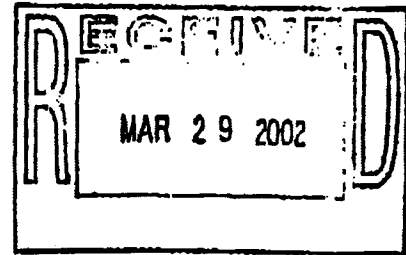
Direct Dial: 404-881-7932

E-mail: dstewart@alston.com

March 28, 2002

Via Overnight UPS

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



**Re: Cable News Network LP, LLLP v. CNNEWS.COM;
U.S. District Court for the Eastern District of Virginia,
Civil Action No. 00-2022-A**

Dear Mr. Touton:

This law firm represents Cable News Network LP, LLLP ("CNN") in connection with the above-referenced civil action (the "Action"). CNN filed the Action under the *in rem* provisions of the U.S. Anti-cybersquatting Consumer Protection Act alleging that the domain name CNNEWS.COM had been registered and used in bad faith to host a news web site that is directly competitive to CNN's famous CNN.COM site.

Shortly after CNN filed the Action, CNN gave notice to the registrar of the domain name, Eastern Communications Company Limited ("Eastcom"), and requested that Eastcom deposit control of the domain name into the registry of the Court. Eastcom agreed to do so through a Registrar Certificate dated March 9, 2001, and enclosed herewith. Eastcom stated in the Certificate: "Eastcom hereby tenders to the court complete control and authority over the registration for the CNNEWS.COM domain name registration record."

On December 21, 2001, the Court granted summary judgment to CNN in the Action. In an order dated January 11, 2002, the Court ordered the defendant domain name transferred to CNN. A copy of the Order is enclosed.

After receiving the Order, I contacted counsel for Eastcom to request that Eastcom transfer the domain name to CNN. When I did not hear from Eastcom's counsel in response to my first letter, I sent a follow-up letter. To date, I have received no

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
704-444-1000
Fax: 704-444-1111

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

9201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

601 Pennsylvania Avenue, N.W.
North Building, 10th Floor
Washington, DC 20004-2601
202-756-3300
Fax: 202-756-3333

Louis Touton, Esq.
March 28, 2002
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response of any kind from Eastcom or its counsel, and the domain name continues to be registered in the name of Maya Online Broadband Network (HK) Co. Ltd.

This letter is to request your assistance and the assistance of ICANN in securing transfer of the domain name. It is our understanding that ICANN's agreement with each of its registrars requires that the registrars abide by court orders regarding domain name ownership issues. CNN continues to suffer irreparable injury every day that the domain name remains in the hands of Maya Online for use in operating a competitive web site. We request any assistance you may be able to give us in bringing this matter to resolution, and we are confident that, with input from ICANN, Eastcom will timely transfer of the domain name to CNN.

Please let me know if I can provide you with any further information regarding this matter.

Best regards.

Very truly yours,



David J. Stewart

DJS:jl
Enclosure
ATL01/11172016v1

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

MAR 14 2001

CABLE NEWS NETWORK LP, LLLP,)
Plaintiff,)
v.)
CNNEWS.COM,)
Defendant.)

Civil Action No. 00-2022-A

REGISTRAR CERTIFICATE

I, Chen, Jiang Ping, pursuant to 15 U.S.C. §§1114 (D) (i) (II) (aa), and 1125(d) (2) (D) (i) (II), and 28 U.S.C. § 1746 hereby declare:

1. I have personal knowledge of the facts stated in this Registrar Certificate, and could and would testify to these facts if called as a witness in this matter. I am the director of Information Center of EASTERN COMMUNICATIONS COMPANY LIMITED ('EASTCOM')
2. EASTCOM is a registrar of Internet second-level domain names in the top-level domains .COM, .NET, and .ORG.
3. Our records indicate that the registrant of the CNNEWS.COM domain name is Maya Online Broadband Network, located at 48th Floor, The Center, 99 Queen's Road Central, Hong Kong.
4. Through the deposit of this Registrar Certificate with the Registry of the Court, EASTCOM hereby tenders to the Court complete control and authority over the registration for the CNNEWS.COM domain name registration record.
5. The registration for the domain name CNNEWS.COM is currently active, and EASTCOM will not permit any transfer, suspension, or other modification to the

registration record during the pendency of this action, except upon receipt of an order of the court or a dismissal of all claims concerning the registrant's contractual rights to register or use the subject domain name.

6. This Registrar Certificate shall expire automatically, and control and authority over the registration record of the domain name shall revert to EASTCOM: (i) 14 calendar days from the date of this Registrar Certificate, unless this Registrar Certificate has been filed with the Court during that period and EASTCOM has received a file-stamped copy; or (ii) upon EASTCOM's receipt of an order dismissing all claims concerning the registrant's contractual rights to register or use the subject domain name.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 9, 2001, at Hangzhou, the People's Republic of China.



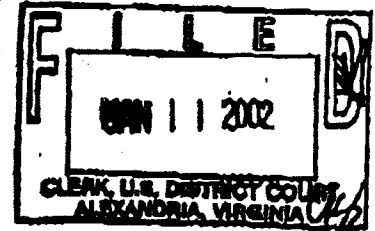
Chen, JiangPing
Director, Information Center
Eastern Communications Company Limited

The foregoing instrument was signed before me this 9th day of March, 2001, by James J. Zou



Chinese Practicing Lawyer.

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



CABLE NEWS NETWORK LP, LLLP,
Plaintiff,
v.
CNNEWS.COM,
Defendant.

Civil Action No. 00-2022-A

RECEIVED

JAN 15 2002

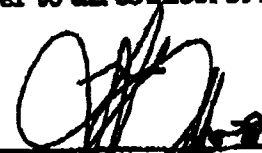
Law Officer JLS

ORDER

This matter came before the Court on the cross-motions for summary judgment of plaintiff Cable News Network LP, LLLP and the registrant of the defendant domain name, Maya Online Broadband Network (HK) Co. Ltd. ("respondent"). In a Memorandum Opinion dated December 21, 2001, the Court granted summary judgment in favor of plaintiff and denied the cross-motion for summary judgment of respondent.

It is now hereby ORDERED that the domain name CNNEWS.COM is transferred to Plaintiff Cable News Network LP, LLLP.

The Clerk is directed to send a copy of this Order to all counsel of record.


United States District Judge

Alexandria, Virginia
January 11, 2002

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY 
DEPUTY CLERK

100

April 5, 2002

BY TELECOPIER

Louis Touton, Esq.
General Counsel
The Internet Corporation for
Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina Del Rey, California 90292-6601

Re: Cable News Network L.P., L.L.L.P. v. CNNEWS.COM
Civil Action No. 00-2022-A

Dear Mr. Touton:

We have your letter dated April 4, 2002.

Your letter confirms that on April 2, 2002, Mr. Halloran did indeed secretly communicate with Eastcom, behind Maya HK's back, and for the express purpose of attempting to induce Eastcom to breach an existing registration services agreement with Maya HK. Such action by Eastcom would violate the "applicable laws and government regulations" cited in your April 4 letter, and would further expose both Eastcom and ICANN to substantial liability for damages under Hong Kong and PRC law, to say nothing of California law in ICANN's case.

We enclose an excerpt from the proceedings held December 7, 2001, in the above-entitled action, at which time the Court acknowledged: "This Court doesn't purport to have the power to order anybody in China to do anything." Your suggestion that Eastcom could be "in violation of" or "obliged to comply" with a judgment of a U.S. Court, without the judgment being domesticated in China on notice to all affected parties, is without legal basis as you surely must know. You also are no doubt aware that in a so-called "in rem" proceeding, a Court has no power to issue injunctions and did not do so in this case.

Equally without basis is your suggestion that the Uniform Dispute Resolution Policy ("UDRP") provided some justification for Mr. Halloran's secret communication to Eastcom. The UDRP has not been invoked with respect to the domain name in question and none of its rules, procedures, or substantive legal safeguards have been honored or complied with. Being a UDRP panelist myself, I am quite familiar with what the UDRP does, and does not, require of registrars.

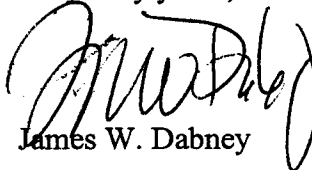
Louis Touton, Esq.

April 5, 2002

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Needless to say, ICANN has no jurisdiction to determine whether the United States District Court for the Eastern District of Virginia was, or was not, a "court of competent jurisdiction" for purposes of terminating Maya HK's rights under a domain name services agreement entered into with Eastcom in the PRC. Particularly in view of the pending Appeal No. 02-1112 before the Fourth Circuit, ICANN acts at its peril if continues, at this time, extra-judicial efforts to intimidate Eastcom into breaching its contract with Maya HK.

Very truly yours,



James W. Dabney

Enclosure

c. Mr. Danny Chen

1 PRC, if it is to breach its contract with the registrant.

2 Or there is the possibility of your Honor
3 issuing an order directed to the register in the PRC,
4 saying, "You shall" --

5 THE COURT: I don't issue orders to Chinese
6 registrars.

7 ATTORNEY DABNEY: Well, I believe that --

8 THE COURT: I do to NSI.

9 ATTORNEY DABNEY: Well, NSI didn't register
10 this name, Judge.

11 THE COURT: Well, they are the registry.
12 They have it.

13 ATTORNEY DABNEY: In any event --

14 THE COURT: There is no doubt about this
15 Court's power to issue an order to NSI. This Court
16 doesn't purport to have the power to order anybody in
17 China to do anything.

18 ATTORNEY DABNEY: Okay.

19 In response to your Honor's specific
20 question, though, about whether or not it's a reasonable
21 inference, as far as what the motivations were of Maya HK
22 with regard to the registration, I think we have put
23 forward evidence, and the facts are undisputed, that
24 "Cnnews" was registered at the same time that Cnsport was
25 registered, Cncities, Cnnav was registered, Cnmaya was

A 001641