

Overseas Concepts International
Registration Department
POB 1345 Georgetown
Cayman Islands, BWI

January 15, 2003

Steve Lewis
National Arbitration Forum
P.O. Box 50191
Minneapolis, MN 55405
USA

RE: Forum Case Number FA0210000128643, kiddkraddick.com
CC: David Cradick, c/o Claudia Werner

Mr. Lewis:

We have just learned that the panelist in this case, Mr. G. Gervaise Davis III, Esq., has presented his finding. Unfortunately, we were not informed via hardcopy or electronic means, and only found out while visiting the ICANN website.

It appears that Mr. Davis was ill-informed to make a valid decision in regards to the kiddkraddick.com domain dispute. In fact, upon studying the documents of record so far in this case, the basis Mr. Davis uses for his decision is clearly flawed, and therefore, the decision must be revisited.

We attribute this in large part to false and misleading statements purported by Complainant and the Panelist's wholesale acceptance of same. Respondent hereby contends that the action brought by Complainant is a blatant attempt at reverse domain name hijacking, and respectfully requests further review by the panel or board.

Contrary to the Complainant's claim, at no time has Mr. Russ Martin, a previous registrant of kiddkraddick.com, had any involvement in our firm or our creative direction. We are therefore wholly unqualified to discuss any dispute which he and Mr. Cradick may be involved in. Any correlation to discussions between those two parties and any action taken with regard to content posted at kiddkraddick.com whilst in our control is purely coincidental and altogether irrelevant.

Research on our part has discovered that in May 1999, an agent for Mr. Cradick initially registered the domain name kiddkraddick.com. That domain name was allowed to expire in May 2002. Complainant contends that the domain name was not registered by Mr. Martin until June 17, 2002 – a full year after the Complainant and his agents had phased out kiddkraddick.com, having instead adopted the domain name “kiddlive.com”.

In October of 2002, we made contact with an agent of then-registrant Mr. Martin and sought to obtain usage of kiddkraddick.com as an alternative to the less-desireable kidd-kraddick.com or kiddkraddick.ky of our country. Having reached an agreement, we sought transfer of the domain name to a registrar of our choosing.

Upon receiving possession of kiddkraddick.com from the previous registrant, we were initially unable to produce content for inclusion on the website. Rather than post a “coming soon” page,

we instead linked the domain name to a variety of interesting or unique Internet web pages maintained by other individuals. The reasoning for this action was that if we provided viewers with constantly changing and interesting content, visitors to our domain would be in the habit of returning to our website from time to time. This would provide for maximum exposure once we were ready to launch our own content. Since none of the content included referenced Mr. Cradick or his radio show, how any of the information provided on kiddkraddick.com whilst under our control could be construed as bringing reference to, much less being derogatory towards the Complainant, is beyond reason.

As for the Complainant's false assertion that Mr. Martin and Overseas Concepts International (Concepts) are "one in the same," rest assured that Concepts is a duly registered corporation domiciled in the jurisdiction of the Cayman Islands. Mr. Martin has no interest – financial or otherwise – in the company.

Mr. Davis stated in his finding and discussion that he was not presented with adequate information to consider Respondent's legitimate interests in the domain name. Mr. Davis further states that since we did not provide what he deemed to be adequate argument, his finding "might have been different." While we offer our apologies for not being as skilled at making legal arguments as Mr. Cradick's law firm, we ask that fact not be held against us. We submit that if Mr. Davis felt he did not have adequate information to form the basis of a ruling, he should have sought additional information rather than blindly bowing to the assertions and demands of the Complainant.

This case amounts to nothing more than the Complainant's use of what must be considerable resources at his disposal to strong-arm a domain name away from a legitimate registrant with obviously limited means to defend itself.

We protest, in the strongest manner, the circumstances by which the Panelist has come to his decision, and respectfully ask that the case be further reviewed and the decision to transfer the domain name kiddkraddick.com to Complainant be vacated.