

# DAVIES WARD PHILLIPS & VINEBERG LLP

44TH FLOOR 1 FIRST CANADIAN PLACE TORONTO CANADA M5X 1B1  
TELEPHONE: 416.863.0900 FAX: 416.863.0871

MATTHEW P. GOTTLIEB  
Direct Line 416.863.5516  
mgottlieb@dwpv.com

File No. 201779

December 16, 2003

## **BY COURIER**

Courtney Schaberg  
Jones Day  
555 West Fifth Street  
Suite 4600  
Los Angeles, CA 90013-1025  
USA

Dan Halloran  
Internet Corporation For Assigned Names and  
Numbers  
4676 Admiralty Way  
Suite 330  
Marina del Ray, CA 90292-6601  
USA

Dear Courtney and Dan:

### **ICANN ats Pool.com Inc.**

I attach a brief containing the agreements provided by Pool.com. You will note that there are only 17 agreements (not the 23 claimed by Mr. Hall in his Affidavit). Also, you will note that it appears that there are only two agreements entered into with Ontario corporations (I do not know where Rebel.com is incorporated or where it carries on business). We should discuss, quite promptly, what steps we should take to confirm that these agreements have, in fact, been entered into and what connection the various "partners" have to Ontario, if any.

As you are aware, Pool.com has raised considerable concern about the use to which ICANN will put these agreements. Considering the deemed undertaking rule, as previously discussed, we should limit our use of these documents to the purpose of this litigation.

Please call me so that we can discuss our next steps.

Yours very truly,



Matthew P. Gottlieb

MPG/amh  
Enclosure

Tor #: 1301473 1

**Pool.com Registrar Partner Agreements (as referred to in the Affidavit of Robert Christopher Hall sworn September 17, 2003 and produced in accordance with Order of Maranger J. dated December 3, 2003)**

**Document Index**

1. Alice's Registry
  - (a) Registrar partner agreement – effective date August 27, 2003
2. A Technology dba NameSystem
  - (a) Registrar partner agreement – effective date June 15, 2003
  - (b) Amendment – effective November 1, 2003
3. AusRegistry Group
  - (a) Registrar partner agreement – effective date July 17, 2003
  - (b) Amendment – effective November 1, 2003
4. Direct Information Pvt. Ltd.
  - (a) Registrar partner agreement – effective date July 18, 2003 (unsigned version attached)
  - (b) Amendment No. 1 – effective date August 13, 2003
  - (c) Amendment – effective November 1, 2003 (2 copies)
5. Domain The Net Technologies Ltd
  - (a) Registrar partner agreement – effective date July 9, 2003
  - (b) Amendment – November 1, 2003
6. Domains ToBeSeen.com, Division of R. Lee Chambers Company LLC
  - (a) Registrar partner agreement – effective date August 29, 2003
  - (b) Amendment – effective December 1, 2003
7. Encirca
  - (a) Registrar partner agreement – effective date June 30, 2003
  - (b) Amendment No. 1 – effective date August 15, 2003
8. Galiano Investment Company, Ltd.

- (a) Partner agreement – effective date August 18, 2003
- 9. Medialogic Inc.
  - (a) Partner agreement – effective date September 10, 2003
- 10. Moniker Online Services LLC
  - (a) Registrar partner agreement – effective date June 29, 2003
  - (b) Amendment – effective November 1, 2003
- 11. NameScout Corp.
  - (a) Registrar partner agreement – effective date June 11, 2003
  - (b) Amendment – effective November 1, 2003
- 12. Neteka Inc.
  - (a) Registrar partner agreement – effective date July 24, 2003
  - (b) Amendment – effective November 1, 2003
- 13. Nitin Networks
  - (a) Registrar partner agreement – effective date July 23, 2003
  - (b) Amendment – November 1, 2003
- 14. PSI-Japan Inc.
  - (a) Registrar partner agreement – effective date July 4, 2003
  - (b) Amendment – effective November 1, 2003
- 15. R & K Global Business Services, Inc. dba 000Domains.com
  - (a) Registrar partner agreement – effective date August 28, 2003
  - (b) Amendment – effective December 1, 2003
- 16. Rebel.com
  - (a) Registrar partner agreement – effective date July 19, 2003
  - (b) Amendment – effective November 1, 2003
- 17. Spot Domain LLC dba Domainsite.com
  - (a) Registrar partner agreement – effective date September 14, 2003