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GEORGE SABIN
P.O. Box 42097
Los Angeles, CA 90042
(213) 235-8034

NATIONAL ARBITRATION FORUM

CURT MANUFACTURING, INC.
6208 Industrial Drive
Eau Claire, Wisconsin 54701
Complainant,

vs.

GEORGE SABIN
P.O. Box 42097
Los Angeles, CA 90042
Respondent.

Case No.: FA0808001220025

RESPONDENT'S RESPONSE
TO COMPLAINANT'S
SUPPLEMENTAL STATEMENT
AND DOCUMENTS

Domain Name In Dispute:

CURT-MFG.COM

RESPONDENT'S RESPONSE TO SUPPLEMENT

1. This Respondent's Response to Complainant's Supplemental Statement and Document is hereby submitted in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP), and in particular Supplemental Rule 7(c).

1 2. Respondent does not contest to be bound by the jurisdiction of the Registrar
2 GoDaddy.com, Inc., and accepts mutual jurisdiction in Arizona where the registrar
3 of the domain name is located and federal law is clear on the matter at hand.

4 3. Respondent has clearly presented facts in his Response that **does contest**
5 the three elements of a domain name dispute:

6 **(i)** particularly, that CURTMFG.COM has never been trademarked by Curt
7 Manufacturing, Inc.; nor has 'Curt Manufacturing' ever been registered with the
8 United States Patent and Trademark Office; only 'CURT' has been duly registered.
9 That the Complainant's registration of 'CURT' in one trademark category does not
10 extend it to any other category such as the Respondent's usage; that Respondent's
11 usage of his domain name CURT-MFG.COM (representing Curt-Manufacturing) is
12 noncommercial and is being used in the exempt categories of EDUCATIONAL,
13 NEWS, and FREE PRESS in a legal parody; all of which is fully legal under United
14 States federal trademark law. Furthermore, to avoid any confusion, a viewer when
15 opening the parody CURT-MFG.COM domain name web site has always been
16 greeted with the parody of a loud woman's scream and highly whimsical circus
17 music that is totally different from a commercial web site; and the recently replaced
18 disclaimer at the top of the initial web page which has a link to CURTMFG.COM. If
19 anything, the Complainant has benefited from Respondent's selected domain
20 name as any visitor who may inadvertently mistype to Respondent's address, has
21 a direct link to the Complainant's web site (current example of Respondent's web
22 site is attached as Exhibits A & A-1);

23 **(ii)** that the Respondent has clear rights and a legitimate interest in respect to the
24 domain name CURT-MFG.COM as already clearly stated throughout Respondent's
25 Response; particularly page 6, lines 1 to 24;

26 **(iii)** that CURT-MFG.COM, which Complainant had abandoned all rights to by not
27 registering it for over two decades, has been acquired by the Respondent who has
28 utilized the domain name to provide a free public service which is being used to

1 good public policy. It was registered by the Respondent and is being used legally
2 in good faith.

3 4. The Respondent has not previously explained “any reason why he/it seeks to
4 be contacted at ok@oklaw(dot)us...” because Respondent is not required to.

5 However, Respondent will acknowledge that said e-mail address is not being used
6 commercially in any manner, and that it is only an e-mail address in which victims
7 of other towing hitch failures may report their personal incident(s). OKLAW.US is a
8 non-profit web site that is dedicated to consumer protection.

9 5. It appears that the Complainant has been surprised by a Response from the
10 Respondent and that the Complainant is recognizing the legal weakness in the filed
11 Complaint; therefore, the Complainant has now filed an additional written statement
12 with superficial documents. The Complainant is challenging the Registrant’s
13 mailing address as registered with the domain name CURT-MFG.COM. The
14 address is valid and the Registrant has been associated with that mailing address
15 for about a quarter century. As shown in attached Exhibits “B” and “C”,
16 Respondent received both the Complainant’s and the National Arbitration Forum’s
17 copies of the Complaint to that address without any difficulty. Respondent has no
18 explanation as to why a single envelope was previously returned to the
19 Complainant. Apparently, it was a simple postal service mistake. As to the
20 Complainant’s challenge to the Respondent’s telephone number, that telephone
21 number is also valid. The (213) area code was the original area code for Los
22 Angeles (and most of Southern California). Over time, it has been overlaid and
23 divided many times. Because Respondent has recently moved, and travels a lot,
24 Respondent now uses a cell phone. To date of this writing, the Respondent has
25 not received any telephone calls, voice mail, or missed calls placed to said number
26 by the Complainant or its representative. The area code argument is so feeble and
27 shallow as today many people have cellular telephone service using an area code
28 number of the most called area despite being physically located elsewhere.

1 Mr. Stimpfel is a Californian who was allegedly nearly killed along with his son,
2 when a product manufactured by Curt Manufacturing, Inc. had a
3 “CATASTROPHIC HITCH FAILURE”. Since the incident, Stimpfel has
4 acquired information which indicates that the design and materials of the
5 failed hitch manufactured by Curt Manufacturing, Inc. were faulty and
6 inadequate for the application; and that many of these similarly designed
7 hitches are still being unknowingly used by unsuspecting motorists today.
8 The Respondent is assisting, in good faith, to address this safety issue and
9 that said efforts hopefully might save lives.

10 6. In regards to paragraph 6 on page 2 of Complainant’s supplemental
11 submission, the Complainant is correct in that the “domain name dispute only
12 concerns the...” **alleged** “...misleading use of the domain name curt-mfg.com...”.
13 CURT-MFG.COM is a FREE SPEECH website which may present its facts, belief
14 and parody in any manner chosen. It is the Respondent’s further understanding
15 and belief that Curt Manufacturing, Inc. is well aware of the facts of the
16 “CATASTROPHIC HITCH FAILURE” as the said company has provided Stimpfel
17 with a new hitch; the replacement hitch being a redesigned model in which the
18 Complainant allegedly felt the necessity to redesign prior to Stimpfel’s hitch failure.

19 7. Complainant has accepted mutual jurisdiction in Arizona, where GoDaddy, the
20 registrar for the domain name, is located. It should be noted that in the federal
21 courts in Arizona, the issue of whether a domain name, even if it **exactly matches**
22 **a registered trademark**, may be used for a non-commercial web site that criticizes
23 the trademark holder, has long been settled in favor of free speech. *Bosley*
24 *Medical v. Kremer*, 403 F.3d 672 (9th Cir. 2005). In *Bosley*, a dissatisfied former
25 customer of a hair-restoration company registered the domain name
26 bosleymedical.com which he used for a non-commercial web site critical of Bosley.
27 The Court of Appeals for the Ninth Circuit – which includes Arizona – squarely held
28 that Bosley’s claims of trademark infringement and dilution were properly

1 dismissed. Any judicial review of the decision of this panel would take place within
2 the Ninth Circuit, and its precedent should, therefore, be followed in this case by
3 rejecting the Complaint.

4 8. Indeed, similar rules have been applied by federal courts throughout the country
5 – domain names in the format www.trademark.com, used for a non-commercial
6 web site that is about the trademark holder or its products, simply not does not
7 infringe the trademark. *Lighthouse Ministry v. Foundation for Apologetic*
8 *Information and Research*, 527 F.3d 1045 (10th Cir. 2008); *Lamparello v. Falwell*,
9 420 F.3d 309 (4th Cir. 2005), rev'g 360 F. Supp 2d 768 (E.D.Va. 2004); *TMI v.*
10 *Maxwell*, 368 F.3d 433 (5th Cir. 2004); *Lucas Nursery and Landscaping v. Grosse*,
11 359 F.3d 806 (6th Cir. 2004); *Taubman v. WebFeats*, 319 F3d 770 (6th Cir. 2003);
12 *Mayflower Transit v. Prince*, 314 F. Supp.2d 362 (D.N.J. 2004); *Ficker v. Tuohy*,
13 305 F.Supp.2d 569, 572 (D. Md. 2004); *Northland Ins. Cos. v. Blaylock*, 115 F.
14 Supp.2d 1108 (D. Minn. 2000); *Cello Holdings v. Lawrence-Dahl Companies*, 89 F.
15 Supp.2d 464 (S.D.N.Y. 2000).

16 9. Complainant cites a few outlier UDRP decisions that allegedly come out a
17 different way, but it is quite noteworthy that almost every one of those decisions
18 was dated **before** the federal courts of appeals unanimously went in the other
19 direction. The UDRP will not perform any useful function (other than the
20 suppression of free speech that some intellectual property owners desire) unless
21 its panelists recognize their duty to follow well-established federal precedents on
22 domain name issues.

23 10. Many of the cases cited by the Complainant involved UDRP claims brought
24 against well-known cyber squatters, such as Brian Wick, who deliberately
25 registered domain names matching many different trademarks for the purpose of
26 extorting money from the trademark holders. Respondent here has registered a
27 single critical domain name for the purpose of criticizing Complainant's unsafe
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1 product, and there is not even the slightest contention, not to speak of any
2 evidence, that the purpose is extortion.

3 11. The Respondent respectfully requests that the Administrative Panel denies the
4 remedy requested by the Complainant. Furthermore, the Respondent further
5 requests that the Panel find that the Complaint was brought in bad faith and in an
6 abusive attempt at Reverse Domain Name Hijacking. Per Respondent's Response
7 page 3, lines 20 to 26; page 7, lines 11 to 20; page 10, line 18 to page 11, line 5;
8 Complainant never attempted to resolve the dispute in a friendly manner; but rather
9 sent one e-mail with capitulatory demands. With the contents of the reply
10 (Complaint, Exhibit "A"), the Complainant should have certainly used prudence and
11 followed the advice given to first contact a trademark attorney for proper legal
12 advice on the matter before causing a harmful action; but rather, the next business
13 day the Complainant immediately commenced the reckless and bully filing of the
14 herein said Complaint to maliciously attack the Respondent and to seize by
15 Reverse Domain Name Hijacking the Respondent's properly registered property.
16 The Complainant's action constitutes a very serious abuse of the administrative
17 proceeding that has violated the rights of the Respondent, which has led to
18 damages. The panel should not take such abusive action by the Complainant
19 lightly.

20 12. CERTIFICATION Respondent certifies that the information contained in this
21 Response is to the best of Respondent's knowledge complete and accurate, that
22 this Response is not being presented for any improper purpose, such as to harass,
23 and that the assertions in this Response are warranted under these Rules and
24 under applicable law, as it now exists or as it may be extended to a good-faith and
25 reasonable argument.

26 13. CERTIFICATION OF SERVICE UPON COMPLAINANT [Supp. Rule 7(d)(ii)]
27 Respondent certifies that copies of this response have been timely sent to
28 Complainant in full accordance with Supplemental Rule 7(d)(ii).

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Respectfully submitted,

September 8, 2008.

/GEORGE SABIN/
George Sabin

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Table of Contents
Outlining The Exhibits To Respondent's Response
To Complainant's Supplement

- Exhibit A. Printout of CURT-MFG.COM web site as existing on September 8, 2008.

- Exhibit A-1. Printout of "Parody" page linked on CURT-MFG.COM's main page as existing on September 8, 2008.

- Exhibit B. Copy of envelope from the Complainant's representative that contained a copy of Complaint.

- Exhibit C. Copy of envelope from the National Arbitration Forum that contained a copy of Complaint.