

Redacted per Requester **Smith** <Contact Information Redacted >

Re: No response is already a violation of your Registrar Agreement - Urgent letter regarding Registrar refusal to act on policy

1 message

Redacted per Requester **Smith** <Contact Information Redacted >

Mon, Oct 31, 2016 at 1:08 AM

To: David Vinterella <Contact Information Redacted >

Cc: gina grob <Contact Information Redacted >, gregory faia <Contact Information Redacted >, "Contact Information Redacted " <Contact Information Redacted >, janice duffy <Contact Information Redacted >

Sir,

Read my response. I am reporting you. You have not even read it and are in breach of the Registrar Agreement. You will not hear from me. Your issue is based on your stupidity for not reading. I will simply make my recommendations. Goodbye.

On 31 Oct 2016 12:21 AM, "David Vinterella" <Contact Information Redacted > wrote:

Dear Sir:

Please refer to my last email I sent you. As I've stated in that email, I've considered your argument and it is entirely baseless. Now you are beginning to harass DNC Holdings with your repeated assertions. Any further emails from you on this subject will elicit no response.

If you still intend on engaging in your bombardment tactics hoping to wear DNC Holdings down to the point where your viewpoint is accepted then you are mistaken. Our next step will be to contact ICANN and have you reported and flagged in our system. Additionally, I will see to it that you are blocked from contacting anyone at DNC Holdings.

Sincerely
David Vinterella
Counsel for DNC Holdings Inc.

On Saturday, October 29, 2016, Redacted per Req **Smith** <Contact Information Redacted > wrote:On Sat, Oct 29, 2016 at 3:59 PM, Redacted per Requester **Smith** <Contact Information Redacted > wrote:

Dear Sir,

I beg to differ. All judgements show "**how a domain name was being used to defame a third party**" and fall within a breach of your Terms of Use. Redacted per Requester , this directly does not need to state you. It is specifically noted in the Judge's comments about the defamatory nature of the use of the RipOffReport website.

This is a question of your liability between ICANN and yourself. If you are not obliging by the Registrant Rights and Responsibilities, then that does become a legal issue for you. I think if you are going to take this stance then you are seriously undereducated and you are going to have a challenge on your hands. No doubt you have read this: <http://drjaniceduffy.com/home/legitimate-consumer-websites/ripoff-report/>

Also are you going to argue with a Judge who stated in plain English (knowing that the only onus of proof here is that **RipOffReport posts defamatory content which is a breach of the Terms of Use, and your Failure to enforce is a breach of your Registrar Agreement**)

Please read very carefully...and look at the highlighted information facts of law:

DUFFY v GOOGLE INC

[2015] SASC 170

Judgment of The Honourable Justice Blue

27 October 2015

DEFAMATION - PUBLICATION - GENERALLY - AS CAUSE OF ACTION

DEFAMATION - PUBLICATION - GENERALLY - REPUBLICATION

DEFAMATION - PRIVILEGE - QUALIFIED PRIVILEGE

DEFAMATION - OTHER DEFENCES

DEFAMATION - JUSTIFICATION - TRUTH - SUBSTANTIAL TRUTH AND CONTEXTUAL TRUTH

Action for defamation.

Between December 2007 and January 2009, six articles were published on the Ripoff Report website about the plaintiff. Other websites published material about the plaintiff ostensibly derived from the Ripoff Report articles.

In September 2009, the plaintiff notified the defendant that searches for her name resulted in defamatory paragraphs displayed on the defendant's websites derived from and containing hyperlinks to six defamatory webpages on the Ripoff Report website and some of the secondary websites. The plaintiff requested removal of the paragraphs and hyperlinks from the defendant's websites. The defendant did not remove the material until 2011 when it removed the material relating to the six Ripoff Report webpages but not the other webpages.

In July 2011, the plaintiff notified the defendant that searches for her name on its websites resulted in the display by the defendant's Autocomplete utility of the defamatory alternative search term "Janice Duffy Psychic Stalker" and requested its removal. The defendant did not remove it.

The plaintiff contends that after receiving notification from her the defendant published on its websites material the subject of the notifications that was defamatory of her. The plaintiff contends that publication was made to Ms Palumbo, Mr Trkulja and substantial numbers of persons unknown.

The defendant denies publication and relies on defences of innocent dissemination, qualified privilege, justification and contextual truth. Other defences and issues relating to damages are to be determined at a subsequent trial.

Held:

1. The defendant was a publisher of allegedly defamatory paragraphs on its websites and a republisher via hyperlinks to the Ripoff Report webpages the subject of those paragraphs being those for which the plaintiff sues and of which the plaintiff gave notification and which the defendant failed to remove within a reasonable time. This applies to the first four Ripoff Report webpages and the paragraphs referring to them and several paragraphs referring to secondary websites' (at [204]-[207], [221], [226]-[230], [233], [240]-[255]).

It was **Held** that that there was a **COURT JUDGEMENT and DAMAGES ordered because of** hyperlinks to the Ripoff Report webpages the subject of those paragraphs being those for which the plaintiff sues and of which the plaintiff gave notification and which the defendant failed to remove within a reasonable time. This

applies to the first four Ripoff Report webpages and the paragraphs referring to them and several paragraphs referring to secondary websites' (at [204]-[207], [221], [226]-[230], [233], [240]-[255]).

In this case, the final orders of a hearing of DAMAGES were made in the PLAINTIFF's favour. I struggle to understand what you are talking about below.

Nevertheless I am going to be straight to the point.

1. You have a legal obligation under the Registrant Rights and Responsibilities to investigate claims of abuse under the Terms of Use. Are you going to investigate it?
2. It is consequential if you breach the Registrant Agreement that you can lose your license as a Registrar. You are aware of that.
3. You have advised me that there is no case law yet involving Registrars. I am in a position to change that. Do you wish to have clarification on this matter. I am aware of 2 major cases that are just about to be put forward in the Victorian Supreme Court. I would argue that you are providing RipOffReport.com a "License to Committ Crimes". RipOffReport do not own this license. You have a duty of care to monitor this license. If you wish to be a named Defendant, then I shall make it so. This case is worth no less than \$100 million dollars in damages. I believe that due to the number of complaints you have admitted to and the lack of action taken, there may be a case that is stronger as against the Registrar rather than Google in this instance for Australia and other Countries.

Case law in Australia does not at all immunize you from this.

4. Can you please give me a yes or a no as to whether you have concluded your investigation and are satisfied that it is the correct answer so I can advise of my investigation and recommendations? I am not bothered by the result, I was asked to put it out there in light of "recent" factual judgements and your contract with ICANN, and the legal **fact** that it is proven that your Registrant has breached **in written law** the Australian Defamation Act. If you do not wish to recognise this, then I'll offer this email up to counsel to assess as to whether Google is the one they should really be chasing.

Again, I am not the decision maker. I was asked to explore and investigate, and that is what I have done. I appreciate you get a lot of vexatious complaints. I fear you have placed this into that bucket, when really this one had substance. Nevertheless, its with you. I won't write again.

Kind regards

Redacted per Requester **Smith** - Contact Information Redacted

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Contact Information Redacted
Redacted per Requester

On Sat, Oct 29, 2016 at 3:18 AM, David Vinterella [Contact Information Redacted](#) > wrote:

Dear Sir:

I have taken an extensive amount of time in reviewing everything you have provided. This consists of the following: (1) your email in which you cite Australian case law to argue that DNC Holdings, Inc. is liable as a secondary publisher of alleged defamatory content appearing at the website www.ripoffreport.com; (2) the links to this Australian case law involving Google, Inc., in which Google was found to be a secondary publisher of defamatory content; (3) pdf files of United States court cases against the registrant of the domain name ripoffreport.com; (4) citations to the ICANN registrar agreement in an attempt to create jurisdiction with ICANN over this issue; and (5) citations to DNC Holdings' terms and conditions of service, which you claim support your belief that DNC Holdings is required to suspend the user account containing the domain name ripoffreport.com.

After reviewing the totality of evidence, it is my opinion that DNC Holdings carries no liability under these circumstances. Accordingly, DNC Holdings will not suspend the user account for the ripoffreport.com domain name. My reasons succinctly stated are as follows:

1. The Australian case law you cite involving Google is not helpful for various reasons. One big reason is the fact that the Australian court noted that Google employs programmers that control the search engine content and placement results (e.g., the hyperlinks) involving the [ripoffreport](http://ripoffreport.com) content on the Google system. This is a huge factual distinction between Google and DNC Holdings because DNC

Holdings has no control over any aspect of the content or links appearing on the ripoffreport.com website. As I previously stated, DNC Holdings does not own or control the name servers hosting this website; therefore, DNC Holdings has no control over any aspect of the website's content. DNC Holdings is simply the registrar of the domain name. As the Australian court you cite held at Paragraph 221:

"Google website is programmed automatically to cause the browser to display the Ripoff Report webpage by clicking on the hyperlink. In these circumstances, Google is a secondary publisher of the Ripoff Report webpage if and to the extent that Google failed to remove the paragraph incorporating the hyperlink after a reasonable time elapsed after effective notification by Dr Duffy."

There is no argument that you can make that draws a parallel inference between Google and DNC Holdings with respect to the ripoffreport.com website, Any attempt otherwise is simply baseless, disingenuous, and ludicrous.

2. The citations to the U.S. case law is even further removed. Every pdf file you sent me involved a cause of action against the registrant of the ripoffreport.com domain name. You have provided no case law in which the REGISTRAR was either sued or found liable for how a domain name was being used to defame a third party. I'm sorry but you ran straight into a brick wall with this argument.

3. The ICANN agreement as I previously stated is irrelevant in this case. ICANN has no jurisdiction over how a registered domain name is being used on the Internet. That is for the general law to decide. ICANN has created registrar obligations, such as registrars having to have abuse contacts as you have pointed out; however, ICANN does not involve itself in the investigative process. ICANN leaves the decision-making to the registrar. I have diligently responded to all of your emails. You claim to have complained about this matter to DNC Holdings two weeks ago without a response, but I haven't seen any proof from you about this. I will gladly look into this issue if you can prove to me that you sent an email to abuse@directnic.com and your email was ignored.

4. Lastly, invocation of our terms and conditions of service is premature at this point. As I previously stated, all I have to go on is an allegation of a defamation not anything that has been established. Furthermore, I do not believe that Australian law has any implication in this case. Under U.S. law, which is the system of law that would apply, an ISP is immune under our federal law (the 1996 Communications Decency Act) in suits in which a third party sues an ISP for the conduct of the user of the ISP's service in a defamation case.

I consider this matter to be closed with the exception of my invitation to investigate any email you sent to our Abuse Department that went unanswered. I'm also cc the other attorney and paralegal at DNC Holdings so that they are aware that a threat of litigation may have been made against DNC Holdings.

Sincerely,
David Vinterella
Counsel for DNC Holdings, Inc.

On Thu, Oct 27, 2016 at 10:22 PM, Redacted per Requester Smith <Contact Information Redacted > wrote:

Dear Sir,

Thank you kindly for acknowledging my email. Yes, you are correct - it is ripoffreport.com - however with evidence.

If you read the evidence in the last email - I answered your question nobody else had which must trigger an abuse complaint **which you monitor 7 days a week and 24 hours a day** which must trigger an investigation under your Terms of Use and I have checked this with ICANN policy.

I pretty much laid down the evidence to nobody else could give you. I know you cannot promise a result. In my expert opinion there are multiple angles. The viability of being able to handle the upcoming amount of abuse complaints would warrant a team of at least 100 employees, and an insurance of at least \$50 billion dollars to satisfy ICANN on the evidence at hand, and secondly, the evidence you sought stating that no court has found that their website contains defamatory material is false and I have given you about 8 court ordered judgments, 4 damages cases, a finding that any company can be deemed as a "secondary publisher", even an ISP - as **Google.com have been found to have published defamatory material of RipOffReport and now is subject to several cost applications enforceable on entities in other countries under the common tort of Defamation in Australia** as well as evidence of **93,000 DMCA legal complaints**.

I am not hateful or wanting to be a trouble maker. I am seriously warning you of a real liability. I appreciate there are a lot of desperate people out there that want this site gone. That is not my intention. The fact is, I have actually found a legal and legitimate reason that falls within a breach of your Terms of Use and I can now paraphrase based on evidence your sentence to read:

"It is now proven by the Supreme Court of Australia and a chain of court cases have opened from this event, following a granting of damages cases that RipOffReport **did in fact** defame third parties, and the **argument levied against DNC Holdings is a violation of your terms of service proven at law**; and thus, **is grounds for suspension of the user account**. Now, the real risk is that: (1) **now that there is international case law proving defamation has occurred and a chain event of defamation and damages cases have begun, your terms of service are implicated** and (2) U.S. federal law does not **immunize ISPs from liability in any other Country**, nor does it immunize Registrar's from a breach of the **ICANN Registrar Accreditation Agreement** and the law surrounding the Jurisdiction that governs the contract between you and them. I note that the contract term deeming the denied right to sue the Registrar or ICANN under that policy is an "unfair contract term" and would be struck out by any court but would not need to be because the breach is already proven under the RAR."

So the complaint is about a breach of the Terms of Use of RipOffReport.com. I wish my identity to be **treated privately**. I do not want my name published and it should be dealt with in utmost privacy according to ICANN. This is a **private complaint**.

I am so very grateful that you have shown an interest in reviewing the information I have sent. There is no nerve struck, I simply speak the law and judgments of the courts of Australia pronouncing findings of Copyrighted and Defamatory material consistently and always on RipOffReport.com which must trigger 3.18 Registrar's Abuse Contact and Duty to Investigate Reports of Abuse. I am otherwise emotionless, as I now am assisting for new parties take defamation cases and damages cases against secondary publishers and it has been put to me to consider (as an Expert Witness) the concept of the ISP in Australian Jurisdiction being liable. Under the ICANN "**Registrar Accreditation Agreement**" my preliminary view I intend to come back with is, "Yes", as is the same with Google as found by the Courts and any other secondary publisher who assists in the publishing of the data hosted by RipOffReport.com.

I come to you with this concern because I genuinely feel that this one site is not worth the liability.

I have now given you the evidence that you sought that prior complainants have failed to give you. Judgments, proving the finding of defamation on the Ripoff Report website, and furthermore cases now starting with damages.

I know of 3 more about to hit and am expert witness in two. I **strongly** encourage you to not take any sides, but simply now (in light of the evidence in my last email) take this as an official complaint of abuse and exercise the "**3.18 Registrar's Abuse Contact and Duty to Investigate Reports of Abuse**" policy. I reiterate my right to anonymity.

I am a strong believer in knocking out cyber crime and internet bullying and have the world behind me. I intend to report on the outcome of this evidence-based report in 30 days to see if policy has been applied. I ask you merely to exercise your functions as a Registrar now that you are equipped with evidence.

I think the internet should be consistent and fair. I am not trying to be an advocate for those on the internet. I am however a policy expert, and Redacted per Requester and am involved in cases that are in the public, and are just about to explode. The evidence you seek is in the prior email.

I trust this satisfies your policy actioning. It is my opinion, between us, on a business level, this one website is an absolute liability and I for one would not want to be associated with it as the risk outweighs any possible benefit.

The evidence is in the law.

I further remind you of my **expectation of anonymity**. This will be something I will sue on if it is not maintained, I don't want to sound rude but it is expected.

Kind regards

Redacted per Requester **Smith** - Contact Information Redacted

Redacted per Requester
Contact Information Redacted
Redacted per Requester

On Fri, Oct 28, 2016 at 1:19 PM, David Vinterella <Contact Information Redacted> wrote:

Dear Sir:

As I stated, I will review what you intend on sending me; however, I'm still not going to promise a result. I'm guessing I struck a nerve with the ripoffreport.com website, and I'm guessing that it is in fact this site you are upset over. If I'm correct then it is very ironic. That being said there is still a difference between a provable defamation and a mere allegation of a defamation. Even assuming that Australian law would apply here and I seriously doubt it does, I would imagine that any liability could only rest on a secondary publisher once a defamation has been established AND the secondary publisher chose not to act to remove the content. Just for the record, I want to make clear that DNC Holdings is neither the owner of the ripoffreport.com domain name nor the owner of the website. Moreover, DNC Holdings does not host the website. DNC Holdings is simply the registrar of the domain name. These are clearly important facts because what you want me to assume is that what you are sending me is the gospel truth without listening to any counter argument from the other side. Now maybe what you are sending me is true and an actual defamation has occurred. However, ICANN does not charge a registrar with being a trier of fact. That is why we have the court system. I can guarantee you that the ICANN agreement is irrelevant in this case. As an attorney who has been dealing with ICANN and their agreements since 2001, if say hypothetically you were to complain to ICANN, I know ICANN would toss the complaint because they have no jurisdiction over the issue. You mention that you waited two weeks for a reply, but this is the first time DNC has heard about this from you. I get the abuse emails and I would have responded the moment I saw anything like I'm doing now.

So in short, I will look over what you send and get back with you. I do want to ask you one thing though. If every ISP were to immediately shut down a website on an allegation of a defamation how would you then propose an ISP respond if it was later proven that the person alleging the defamation was lying to the ISP and that there was never a defamation because what was said was actually the truth? Should an ISP suppress all manner of speech solely on the strength of a one-sided argument? I would be curious if you could provide me with any Australian case law that supports such a proposition.

Sincerely,
David Vinterella

On Thu, Oct 27, 2016 at 7:55 PM, Redacted per Requester Smith <Contact Information Redacted> wrote:

Dear Sir,

You hit the nail right on the head. In a world first, the secondary publisher, and it could be seen (and I have heard that Google could argue that the ISP is the actual secondary publisher) is liable. Here is the exact ruling. In Australia, Duffy vs Google has succeeded in a claim for Defamation of the representation given by RipOffReport showing **defamation on that site has occurred** and further as a result of that defamation a **violation of service** must have been committed, and is **grounds for suspension of the user account**. The Supreme Court of South Australia has then given leave for Duffy to now file 5 Damages cases for the years in which she was defamed. Please note, this is premature and only 1 or 2 people know the Goliath of cases now coming. I happen to be acting as an expert witness in a major case and Google's first defence is that it is the liability of the site owner - hence falling back on you.

I know you feel you have no liability, however, ICANN do not see it that way. It would be a breach of the Registrar Agreement to not enforce the same requirements on to the Registrant. Please see the Judge's comments in this 1 case. I am happy to have an open letter to provide you more. As mentioned I know more than the average person as I am a court Expert Witness. I am also in contact with Duffy and 2 other litigators regularly and am engaged by 1. I am privy to Google's defences. Although Google is your client, Google will implicate you, and risk your Registrar status, and here is why.

To paraphrase your first statement it is now fact that:

It is now proven by the Supreme Court of Australia and a chain of court cases have opened from this event, following a granting of damages cases that RipOffReport **did in fact** defame third parties, and the **argument levied against DNC Holdings is a violation of your terms of service proven at law**; and thus, **is grounds for suspension of the user account**. Now, the real risk is that: (1) **now that there is international case law proving defamation has occurred and a chain event of defamation and damages cases have begun, your terms of service are implicated** and (2) U.S. federal law does not **immunize ISPs from liability in any other Country**, nor does it immunize Registrar's from a breach of the **ICANN Registrar Accreditation Agreement** and the law surrounding

the Jurisdiction that governs the contract between you and them. I note that the contract term deeming the denied right to sue the Registrar or ICANN under that policy is an "unfair contract term" and would be struck out by any court but would not need to be because the breach is already proven under the RAR.

The Registrar has an obligation to ICANN to ensure that the Registrant obliges by the Terms of Use bestowed upon them. I will below provide to you material fact (and will send evidence of this to ICANN) to show that there has been judgements of fact made in relation to Defamation against a domain that breaches your Terms of Use.

The real issue here is the potential that you could be considered a secondary publisher (as Google has been) and you are not immune as Google is not immune, and/or you (more likely) could be deemed as in breach of your Registrar Accreditation Agreement. Firstly as this poses a risk in the billions of dollars for your company as it now does for Google, the requirement of \$500,000 given the registration volume reasonably projected by the applicant, to provide domain-name holders reasonable compensation for losses caused by the applicant's wrongful covered act upon registration as an Applicant to ICANN is significantly greater now, and it will be recommended that this figure (given this one website and its litigation history) is quantifiable up to \$5 billion dollars.

Secondly, another risk in breach of the Registrar Accreditation Agreement is that you cannot adequately fulfill the requirements bestowed upon you now under the 'Registrar's Abuse Contact and Duty to Investigate Reports of Abuse' policy **24 hours a day 7 days a week**, as the law suits are about to sky rocket - and by ignoring this evidence below and not actioning it, would be evidence if ignoring your Terms of Use.

3.18 Registrar's Abuse Contact and Duty to Investigate Reports of Abuse.

3.18.1 Registrar shall maintain an abuse contact to receive reports of abuse involving Registered Names sponsored by Registrar, including reports of **Illegal Activity**. Registrar shall publish an email address to receive such reports on the home page of Registrar's website (or in another standardized place that may be designated by ICANN from time to time). Registrar shall take **reasonable and prompt steps to investigate and respond appropriately to any reports of abuse**.

3.18.2 Registrar shall establish and maintain a dedicated abuse point of contact, including a **dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office**. Well-founded reports of **Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report**. In responding to any such reports, Registrar will not be required to take any action in contravention of applicable law.

I might say with respect sir, it took me almost 2 weeks to get a response from you.

Now as to the evidence, which according to your policy, and ICANN's policy does substantiate the below sentence:

It is now proven by the Supreme Court of Australia and a chain of court cases have opened from this event, following a granting of damages cases that RipOffReport **did in fact** defame third parties, and the **argument levied against DNC Holdings is a violation of your terms of service proven at law**; and thus, **is grounds for suspension of the user account**. Now, the real risk is that: (1) **now that there is international case law proving defamation has occurred and a chain event of defamation and damages cases have begun, your terms of service are implicated** and (2) U.S. federal law does not **immunize ISPs from liability in any other Country**, nor does it immunize Registrar's from a breach of the **ICANN Registrar Accreditation Agreement** and the law surrounding the Jurisdiction that governs the contract between you and them.

1. Google found to be secondary publisher - RipOffReport content found to be 'Defamatory'. Damages awarded. ISP is not immune in Australia.

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SASC/2016/1.html?stem=0&synonyms=0&query=duffy>

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SASC/2015/206.html?stem=0&synonyms=0&query=duffy>

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SASC/2015/170.html?stem=0&synonyms=0&query=duffy>

2. See attached for evidentiary rulings where RipOffReport were found by judges to be engaging in criminal conduct or defamation for profit.

See Files

3. Would it not be a concern to you that there have been 92,000 Legal DMCA RipOffReport.com requests from Google? Is this what you want your Registrar to endorse or have its liability standing behind? DMCA requests are legal requests that are punishable by perjury.

<https://www.google.com/transparencyreport/removals/copyright/explore/?q=Ripoff%20Report>

4. These original reports started with true copyrighted content in breach of the law.

<http://www.ripoffreport.com/r/AMERICAN-EXPRESS-DISCRIMINATES/PHOENIX-Arizona-85072-3773/AMERICAN-EXPRESS-DISCRIMINATES-DISCRIMINATION-RACIST-SEXIST-NEFARIOUS-CK-SUCKERS-1036564>

<http://www.ripoffreport.com/r/whitney-miller-2012-miss-texas-united-states/austin-texas-/whitney-miller-2012-miss-texas-united-states-miss-united-states-liar-fraud-diva-c-b-947577>

<http://www.ripoffreport.com/r/kyle-richards/beverly-hills-california-/kyle-richards-wicked-evil-deceitful-liar-deceptive-and-bigot-wwwkylerichardsnet-b-817627>

<http://www.ripoffreport.com/r/kyle-richards/beverly-hills-california-/kyle-richards-adulteress-yes-she-did-cheat-and-have-an-affair-yes-she-is-a-cheater-l-822908>

5. About me

I am ^{Redacted per Requester} Smith, please have a look at my website, and some of my blogs. Redacted per Requester

I have a handful of journalists and reporters that I am dealing with. Let me tell you that although the evidence is coming via Google based litigation, it implicates the fact that the site that is your Registrant is displaying **illegal and unlawful hate based material** and that you have a duty of care to "act on and investigate" this abuse **24 hours a day 7 days a week.**

It is a liability.

I am reaching out to you to give you the proof you need to now action your Terms of Use to remove any risk of liability and informing yourself and ICANN, and potentially the world of this worldwide cyberbullying that is going on destroying the lives of hundreds of thousands of people.

I am making an official complaint to a Registrar. My question is kindly sir, will you investigate my complaint in accordance with your policy?

This is confidential at this stage.

Kind regards

Redacted per Requester **Smith** - Contact Information Redacted

Redacted per Requester

Contact Information Redacted

Redacted per Requester

On Fri, Oct 28, 2016 at 2:46 AM, David Vinterella <Contact Information Redacted> wrote:

Dear Sir:

I am writing on behalf of DNC Holdings Inc. I will certainly take into consideration the evidence you provide. However, I cannot guarantee an outcome that you desire. For example, DNC Holdings repeatedly receives cease and desist notices for a website called ripoffreports.com. This site is routinely alleged to defame third parties, and the argument levied against DNC Holdings is that defamation is a violation of our terms of service; and thus, is grounds for suspension of the user account. However, the problem with this argument is that: (1) there is no provable defamation that has occurred, only an allegation of a defamation so that our terms of service are being prematurely implication and (2) U.S. federal law immunizes ISPs from liability for defamatory content transmitted by a third party user of the ISP's service.

I raise this example to you only because in your letter to DNC Holdings you mention that a defamation has taken place. In conclusion, I welcome your evidence and I will have this matter investigated and given its proper due diligence. However, at this time, I simply cannot guarantee that DNC Holdings will be able to take action.

Sincerely,
David Vinterella
Counsel for DNC Holdings, Inc.

On Thu, Oct 27, 2016 at 1:45 AM ^{Redacted per Requester}Smith <Contact Information Redacted > wrote:

Dear Sir/Madam,

Please see attached letter and complaint.

Yours truly,



Redacted per Requester **Smith**

Redacted per Requester

Contact Information Redacted

Redacted per Requester