

EXHIBIT 1

ARB	14 AOUT 2008

COMPLAINT TRANSMITTAL COVERSHEET

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**).

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

You have no duty to act at this time. Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the Supplemental Rules, it will forward an official copy of the Complaint to you. You will then have 20 calendar days within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

- The **Policy** can be found at <http://www.wipo.int/amc/en/domains/rules/>
- The **Rules** can be found at <http://www.wipo.int/amc/en/domains/rules/>
- The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at <http://www.wipo.int/amc/en/domains/rules/>
- A **model Response** can be found at <http://www.wipo.int/amc/en/domains/respondent/index.html>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by e-mail at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide the contact details to which you would like (a) the official version of the Complaint and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Union Square Partnership, Inc. and
Union Square Partnership District
Management Association, Inc.
4 Irving Place, Room 1148S
New York, NY 10003,

Complainants,

-v-

Savitri Durkee,

Respondent.

Disputed Domain Names:

www.unionsquarepartnership.org

www.unionsquarepartnership.com

**COMPLAINT IN ACCORDANCE WITH THE
DOMAIN NAME DISPUTE RESOLUTION POLICY**

I. Introduction

1. This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy"), adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN") on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), approved by ICANN on October 24, 1999 and the World Intellectual Property Organization ("WIPO") Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

II. The Parties

A. The Complainants

2. The Complainants in this administrative proceeding are Union Square Partnership, Inc. and Union Square Partnership District Management Association, Inc.

(collectively, "USP"), non-profit organizations with their principal place of business in New York, New York, United States of America.

3. Complainants' contact details are:

Address: 4 Irving Place, Room 1148S
New York, New York 10003
Telephone: (212) 460-1200
Fax: (212) 420-8670
E-mail: info@unionsquarenyc.org

4. Complainants' authorized representatives in this administrative proceeding are:

Name: Toby M.J. Butterfield, Esq. and Matthew A. Kaplan, Esq.
Firm: Cowan, DeBaets, Abrahams & Sheppard LLP
Address: 41 Madison Avenue, 34th Floor
New York, New York 10010
Telephone: (212) 974-7474
Fax: (212) 974-8474
Email: tbutterfield@cdas.com; mkaplan@cdas.com

5. Complainants' preferred method of communications directed to the Complainants in this administrative proceeding is:

Electronic-only material

Method: E-mail
Address: tbutterfield@cdas.com; mkaplan@cdas.com
Contact: Toby M.J. Butterfield and Matthew A. Kaplan

Material including hardcopy

Method: Facsimile
Fax: (212) 974-8474
Contact: Toby M.J. Butterfield and Matthew A. Kaplan

B. The Respondent

6. According to DomainTools (<http://whois.domaintools.com>), the Respondent in this administrative proceeding is listed as "Private Registrant (ID# ndn-628181)." Copies of the printouts of the WHOIS database searches for the disputed domain names are attached as Exhibits A and B.

7. The information disclosed in the WHOIS database search regarding how to contact the Respondent is as follows:

Name: unionsquarepartnership.org Private Registrant (ID# ndn-628181)
Address: A Happy DreamHost Customer
417 Associated Rd #324
Brea, CA 92821
Telephone: (213) 947-1032
Fax: (714) 990-2600
E-mail: unionsquarepartnership.org@proxy.dreamhost.com

Name: unionsquarepartnership.com Private Registrant
Address: A Happy DreamHost Customer
417 Associated Rd #324
Brea, CA 92821
Telephone: (213) 947-1032
Fax: (714) 990-2600
E-mail: unionsquarepartnership.com@proxy.dreamhost.com

8. However, Respondent revealed herself in a DMCA Counter-Notification served upon Complainants on July 16, 2008. Respondent listed her contact information as follows:

Name: Savitri Durkee
Address: P.O. Box 1556
New York, NY 10013
Telephone: (347) 693-8857
E-mail: savitrid@earthlink.net

III. The Domain Names and Registrars

9. This dispute concerns the domain names (collectively, the "Domain Names") identified below:

<http://www.unionsquarepartnership.com>
<http://www.unionsquarepartnership.org>

10. The registrar with whom the Domain Names are registered (the "Registrar") is:

Name: New Dream Network, LLC d/b/a DreamHost Web Hosting
("DreamHost.com")
Address: 417 Associated Rd #324, Brea, CA 92821
Telephone: (213) 947-1032
Fax: (714) 990-2600
E-mail: abuse@dreamhost.com

IV. Jurisdictional Basis for the Administrative Proceeding

11. This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The Registration Agreement for DreamHost.com, the registrar to which the domain names subject to this Complaint are registered, incorporates the Policy in Section 1. A true and correct copy of the DreamHost.com dispute policy is attached as Exhibit C.

12. In addition, in accordance with the Policy, Paragraph 4, the Respondent is required to submit to a mandatory administrative proceeding because:

- a. The Domain Names are identical to the trademark or service mark in which Complainants have rights; and
- b. Respondent has no rights or legitimate interests in respect of the Domain Names; and
- c. Respondent's Domain Names were registered and were and are being used in bad faith.

V. Factual Grounds

A. USP's History

13. In 1976, the Union Square neighborhood of New York City was in decline. In an effort to halt the deterioration and lay the groundwork for the area's economic revival, a coalition of local business, community and government interests was formed, leading to the establishment of a Local Development Corporation ("LDC"). The LDC successfully lobbied the City to create its first Business Improvement District ("BID") in 1984. Working together for over 20 years, the LDC and BID formally joined together under one name - Union Square Partnership - in September 2003.

14. USP provides the Union Square community with a variety of programs and services including, but not limited to, facilitating ongoing development by acting as a liaison among residents, business and government leaders; advocating for neighborhood enhancements; offering support to business owners, spearheading long-term area improvements; and providing sanitation and public safety.

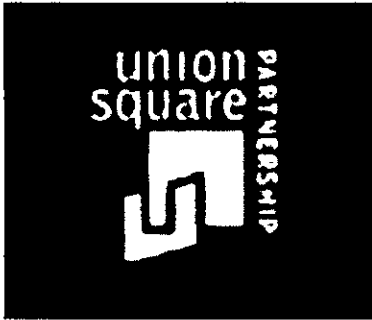
15. USP's marketing efforts have strengthened Union Square's identity. To foster connections, USP produces free community events, educational seminars and networking receptions. Other promotional initiatives, like the USP's monthly e-newsletter, provide the public with local news while showcasing Union Square's many resources.

16. USP also operates an award-winning Education Program in Washington Irving High School, the neighborhood's largest public high school. USP works with a broad spectrum of local businesses, non-profit organizations and academic institutions to develop programs and secure resources for the students.

17. Due to USP's active commitment to the community, Union Square is a thriving hub of culture, business, education and health care. Throughout the city and beyond, Union Square is known as "New York's Best Tasting Neighborhood," and is celebrated for the Greenmarket, innovative off-Broadway theaters, destination retailers, small creative businesses and excellent universities and hospitals, all located near one of the city's most popular parks. USP has played a lead role in the area's development and continues to seek out ways to improve the reenergized neighborhood.

B. Complainants' Rights in and to their trademarks (Rules, ¶ 3(b)(viii)):

18. USP owns all rights, title and interest in and to the name "UNION SQUARE PARTNERSHIP", as well as in and to a logo (the "USP Logo") incorporating the name:



as common law trademarks (collectively, the “USP Marks”). USP’s ownership of the USP Marks is based on its widespread and continual use since 2003 of the USP Marks in connection with its many activities and business dealings in assisting in Union Square’s economic revival, providing the Union Square community with a variety of programs and services, and marketing and strengthening Union Square’s identity.

19. For example, the USP Marks are featured on postcards, flyers and posters advertising the free community events it produces, on lamppost banners throughout Union Square as well as in the monthly e-newsletter. True and complete copies of the various advertisements and the July 2008 e-newsletter, all featuring the USP name and logo are attached as Exhibit D. Further, the USP Logo is on the uniforms of all USP public safety and sanitation personnel and affixed to the trash cans serviced by the USP.

20. USP has recently filed an application to register its rights in the USP Logo with the United States Patent and Trademark Office (“USPTO”), Serial No. 77/527,478. That application is currently pending. A true and complete copy of the status report as of August 12, 2008 from the USPTO website is attached hereto as Exhibit E.

21. Most importantly, USP maintains a website at www.unionsquarenyc.org (the “Official USP Website”) which bears the USP Marks including the USP Logo prominently. As described below, this website communicates up-to-date news to the public about USP and its activities. A true and correct copy of the Official USP Website as of July 22, 2008 is attached

hereto as Exhibit F.

C. The Respondent

22. As the WHOIS records for both Domain Names merely state “Private Registrant”, it was not until Complainants received a DMCA Counter-Notification executed by Ms. Durkee that Complainants learned the actual identity of Respondent.

D. Respondent’s Wrongful Use of the USP Name for its Domain Names and Complainant’s Response

23. Prior to 2007, USP attempted to acquire the URL consisting of its name, *i.e.*, www.unionsquarepartnership.org and www.unionsquarepartnership.com. The domains were not in use, but were not available at that time or subsequently. As a result, USP continued using the URL www.unionsquarenyc.org for its official website.

24. On or about May 15, 2008, without USP’s knowledge or permission, Respondent obtained or activated a registration of the domain names: **“UNIONSQUAREPARTNERSHIP.ORG”** and **“UNIONSQUAREPARTNERSHIP.COM”** with the Registrar, and, shortly thereafter, used the registrations to publish the same webpage at each domain name. A true and complete printout of the web page posted at www.unionsquarepartnership.com and www.unionsquarepartnership.org (the “Infringing Websites”), as it appeared on June 26, 2008, is attached hereto as Exhibit G.

25. As explained in depth below, the Infringing Websites hosted on the Domain Names copied the style, layout, artwork, text and photography of the Official USP Website.

26. The Infringing Websites contained messages and information explicitly designed to confuse the public and to disrupt USP’s activities. In particular, USP is in the middle of a major reconstruction project with support from the New York City government, elected officials, area residents and local businesses. The Infringing Websites contained a bogus “apology” by

USP, and incorrectly claimed that USP has ceased its reconstruction project. The Infringing Websites further link to a website owned and maintained by a community activist who opposes the USP's activities.

27. The Infringing Website was erroneous, not authorized by USP, caused confusion to all those who saw its bogus "announcements," and infringed on USP's rights in the Official Website and the USP Marks.

28. Consequently, USP sent a notice and takedown letter pursuant to Section 512 of the Digital Millennium Copyright Act (17 U.S.C. § 512) to DreamHost.com requesting that the Infringing Websites be taken down. A true and complete copy of the July 1, 2008 notice and takedown letter sent to DreamHost.com are attached as Exhibit H.

29. DreamHost.com subsequently complied with the letter on July 5, 2008 and, as of that date, there are no webpages currently residing on the Domain Names.

30. On July 16, 2008, DreamHost.com forwarded a DMCA Counter-Notification requesting that DreamHost restore access to the webpages previously residing on the Domain Names. A true and complete copy of the July 16, 2008 e-mail is attached hereto as Exhibit I.

31. On July 30, 2008, USP filed suit in the United States District Court for the Eastern District of New York, styled *Union Square Partnership, Inc. v. Durkee*, Docket No. 08-cv-3101, asserting copyright infringement against Ms. Durkee.

32. USP requests the transfer of the Domain Names herein to avoid such unauthorized and disruptive activities in future.

33. In requesting the transfer of the domain names at issue, USP will prove the existence of each of the three elements set forth in Paragraph 4 of the Policy, which are:

- a. The Domain Names **UNIONSQUAREPARTNERSHIP.ORG** and **UNIONSQUAREPARTNERSHIP.COM** are identical to the USP Marks in

which USP owns rights; and

- b. The Respondent has no rights or legitimate interest in respect to the UNIONSQUAREPARTNERSHIP.ORG and UNIONSQUAREPARTNERSHIP.COM domain names; and
- c. The Respondent's domain names were registered and were and are being used in bad faith.

VI. Legal Grounds

A. The Domain Names Are Identical to a Trademark in which the Complainants Have Rights (Policy, ¶ 4(a)(i), Rules, ¶ 3(b)(ix)(1))

34. Respondent's domain names, UNIONSQUAREPARTNERSHIP.ORG and UNIONSQUAREPARTNERSHIP.COM, are identical to and incorporate the "Union Square Partnership" name entirely.

35. While USP has not yet obtained trademark registrations in its name or logo, it is well settled that the term "trademark or service mark" as used in Paragraph 4(a)(i) of the Policy encompasses both registered marks and common law marks. *CBS Broadcasting, Inc. f/k/a CBS, Inc. v. Nabil Z. Aghloul*, WIPO Case No. D2004-0988 (finding protectable rights in common law trademark after approximately three years of use prior to the Registrant's registration of identical domain name).

36. Further, the addition of ".com" and ".org" is without legal significance because it is a designation that every internet provider must use as part of its internet address.

37. Without any other distinctive elements in the Domain Names, UNIONSQUAREPARTNERSHIP.ORG and UNIONSQUAREPARTNERSHIP.COM, appear to visitors of those websites as an official website owned and operated by USP. Indeed, the addition of ".org" designation can increase the likelihood of confusion because Petitioner

Union Square Partnership is a well-known not-for-profit organization.

38. Moreover, the Domain Names read as though they are the official websites of USP and there is nothing in either of the Domain Names to dissuade users otherwise. Thus, when average Internet users enter UNIONSQUAREPARTNERSHIP.ORG or UNIONSQUAREPARTNERSHIP.COM into their web browser, they have a legitimate expectation that they are viewing official USP websites regarding activities sponsored by the Union Square Partnership.

39. In short, as the Domain Names incorporate the “Union Square Partnership” name in full, the Domain Names are identical to USP’s “Union Square Partnership” mark.

B. Respondent has no Rights or Legitimate Interests With Respect to the Domain Names (Policy, ¶ 4(a)(ii), Rules, ¶ 3(b)(ix)(2))

1. Respondent has no Right to Use the Domain Names.

40. USP never authorized Respondent to use the Union Square Partnership name, logo or USP Marks in any manner, nor to register the domain names UNIONSQUAREPARTNERSHIP.ORG and UNIONSQUAREPARTNERSHIP.COM.

41. Likewise, there is no evidence that Respondent is or has been commonly known as “Union Square Partnership”, has acquired any trademark or service mark rights in the USP Marks, has operated any business or charity under the USP Marks, or has ever offered any bona fide goods or services of any kind on the Infringing Websites.

2. Respondent has no Legitimate Interests with Respect to the Domain Names

42. Respondent similarly has no legitimate interests with respect to the Domain Names. At best, USP expects Respondent to assert that it is using the Domain Names to indicate that the Infringing Websites are “protest sites.”

43. While some URDP decisions have upheld the use of domain names on which web

sites critical to a company or organization are posted, “a line is often drawn where the protest site does not make is clear that it is in fact a protest site.” *Hollenbeck Youth Center, Inc. v. Stephen Roland*, WIPO Case No. D2004-0032. The *Hollenbeck* Panel explained that even if the nature of the respondent’s website is a non-commercial protest site,

it is the Panel’s belief that protest disseminated through the powerful tools of the Internet is only legitimate if the protest is transparent. Transparency starts with choosing a domain name that reflects the protest as opposed to a domain name which implies an affiliation to the trademark holder. If the protest is reflected in the domain name (for instance by adding the component “sucks” or a similar element), Internet users will have a choice to follow or not to follow the link. Otherwise, they may be misled.

(emphasis added) Further, the Panel explained that regardless of the truth or falsity of the criticism contained on the contested webpage “Internet users should not automatically be transported to [the contested webpages] if their intention is only to visit [Complainant’s] own website.”

44. Here, there is nothing in Respondent’s Domain Names to indicate to the public that the Domain Names resolve to a complaint or protest site. Thus, Respondent is attempting to mislead the public regarding the nature, origin and affiliation of the Infringing Websites. Moreover, as explained below, the manner in which Respondent is using the Domain Names undermines any argument that Respondent has any legitimate interest in using the Domain Names.

C. ~~The Domain Names Were Registered and Are Being Used in Bad Faith (Policy, ¶ 4(a)(ii), Rules, ¶ 3(b)(ix)(3))~~

1. Respondent Was Aware of USP’s Rights When it Registered the Domain Names.

45. Respondent registered the Domain Names on May 15, 2008, approximately four and a half years after USP had begun operating under the name “Union Square Partnership.”

46. Further, given the manner in which Respondent used the Domain Names (*see* Section C.2 *infra*), it is clear that Respondent was aware of USP at the time it registered the Domain Names.

47. Finally, on July 3, 2008, a “Savitri D” (who is also the registrant of the www.revilly.com website, a local activist’s website to which the Infringing Websites linked) posted an entry on a blog on the www.revilly.com website regarding an article describing the Infringing Websites as “hoax websites” and that the USP Logo was “pirated.” A true and correct copy of the blog posting by “Savitri D” is attached hereto as Exhibit J. Savitri D did not deny that she, Reverend Billy and The Church of Stop Shopping were involved in the registration of the Domain Names. In fact, she stated:

The Church of Stop Shopping didn’t PIRATE anything, the Union Square Partnership just never bothered to register their own domain name.

Thus, it appears that the individual who has revealed herself to be the anonymous registrant excuses the infringing and disruptive activity by the anonymous registrant by trying to blame USP for not registering the Domain Names previously. No one denies that the URLs for the Infringing Websites is confusingly similar to the URL for the Official Website. Rather than making clear it is a “protest site,” the Infringing Websites used URLs identical to USP’s name and mark, copied the USP Logo and even incorporated graphics, layout and photography from the Official Website, all without USP’s permission.

2. Respondent’s Use of the Domain Names Establishes That They Were Registered in Bad Faith.

48. The most compelling evidence that Registrant registered the Domain Names at issue in bad faith is the appearance of the Infringing Websites posted by Registrant on the Domain Names.

49. The Infringing Websites mimicked the design, layout, artwork, text and photography of the Official USP Website located at www.unionsquarenyc.org such that the Infringing Websites appear to be official websites created and/or sponsored by USP. *Compare Exhibits F with G.*

50. The Infringing Websites prominently displayed "UNION SQUARE PARTNERSHIP" on each webpage in the same size and font and in the same location as on the Official USP Website. *Compare Exhibits F with G.*

51. Further, the Infringing Websites further copied the Official USP Website in that: 1) copies of the USP logo in the same size and location as on the Official USP Website were included on the Infringing Websites; 2) the content layout and background coloring of the Infringing Websites are the same as on the Official USP Website; 3) the contact address, telephone number and e-mail listed on the Infringing Websites are the actual contact information for USP; 4) one of the images included on the Infringing Websites under the title "Neighborhood Highlights" was displayed on the Official USP Website under the "Neighborhood Highlights" section; and 5) the titles listed in left hand column of the Official USP Website (e.g., "About Us", "News & Events", "Neighborhood Directory", "District Services", "Community Development," "WIHS Education Program", "Events Calendar", and "Get Involved") were copied verbatim into the Infringing Websites. *Compare Exhibits F with G.*

52. Finally, the Infringing Websites each contained a video featuring the USP logo and a woman purporting to be Jennifer Falk, USP's Executive Director, who stated that USP has abandoned part of its current redevelopment plan. USP never sanctioned such a video and Jennifer Falk never authorized that her name be used in such a manner. An electronic copy of the video is included herewith as Exhibit K.

53. The Infringing Websites were created by Respondent to cause an Internet user

going to the Domain Names to believe that the Infringing Websites were actually official websites operated by USP. Thus, Respondent's activities are calculated to disrupt USP's activities.

54. Indeed, at least one news website reported on June 30, 2008 that "Union Square Partnership Apologizes for Restaurant, Abandons Plans", citing the video hosted on the **UNIONSQUAREPARTNERSHIP.ORG** Domain Name as the source of the information. A true and complete copy of the June 30, 2008 news story appearing on Newsblaze.com is attached hereto as Exhibit L.

55. USP alleges that Respondent's use of the Domain Names to masquerade as USP in order to disrupt USP's activities constitutes bad faith under the Paragraph 4(b) of the Policy. That paragraph makes clear that disruption of business activities can constitute bad faith. Furthermore, that paragraph makes clear that the examples of bad faith listed are not intended to be an exhaustive list, and bad faith may be found in the absence of the specific factors enumerated there. *See CBS Broadcasting, Inc. f/k/a CBS, Inc. v. Nabil Z. Aghloul, supra.*

56. For example, in the *Hollenbeck Youth Center* case, the Panel found that a domain name hosting a site protesting against the complainant and its director was registered in bad faith because:

no indication whatsoever was given that the domain name resolves to a protest site rather than that of the Complainant. Internet users are very likely to assume that the domain name resolves to a website of the Complainant. The Respondent's use is not transparent and is misleading. Moreover, the Respondent cannot have been in any doubt at the time of registering the domain name or subsequently, that there would be an adverse effect on [Complainant] as a result of Internet users (including sponsors and potential sponsors) who, wishing to find an [Complainant] present on the Internet, end up without warning at ... a site highly critical of [Complainant] and its director.

57. Like the *Hollenbeck Youth Center* case, the Domain Names herein give no

indication that the user will be directed to a protest site as opposed to USP's website. Since the Domain Names incorporate the name "Union Square Partnership" in its entirety, it is reasonable to assume that the average Internet user looking for information about the community activities sponsored by USP would go to the Domain Names. Thus, there would be an adverse effect on the USP because Internet users (including members of the Union Square community and individuals and entities who would support USP's activities) who, wanting to find the USP present on the Internet would end up at a website that is not only critical of the USP, but designed to look like the Official USP Website.

58. In sum, USP respectfully asserts that the Panel should determine that Respondent registered and maintained the domain names in bad faith, according to Paragraph 4(a)(iii) of the Policy.

VII. Remedies Requested

59. In accordance with Paragraph 4(i) of the Policy, for the reasons described above, the Complainant requests the Administrative Panel appointed to this administrative proceeding issue a decision that the contested Domain Names be transferred to the Complainant.

VIII. Administrative Panel

60. The Complainant elects to have the dispute decided by a single-member Administrative Panel.

IX. Mutual Jurisdiction

61. In accordance with Paragraph 3(b)(xiii) of the Rules, the Complainant agrees to submit, only with respect to any challenge that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name that is the subject of the Complaint, to the jurisdiction of the courts situated in the location of Respondent's address, as shown for the registration of the Domain Name in the concerned registrar's WHOIS database at

the time of the submission of this Complaint.

X. Other Legal Proceedings

62. Complainant is not aware of any other legal proceedings pending in connection with the Domain Name.

XI. Communications

63. A copy of this Complaint and its exhibits, together with the cover sheet as prescribed by the Supplemental Rules, has been sent on today's date, August 12, 2008: (i) via regular mail to the address as shown for Respondent on the Registrar's WHOIS database at the time of the submission of this Complaint, and (ii) to the Registrar via Federal Express priority to the address as shown on its website. A copy of this Complaint, the cover sheet as prescribed by the Supplemental Rules, and such exhibits that are available in electronic form have also been sent via e-mail to: (i) the administrative contact for the Domain Name as shown on the Registrar's WHOIS database at the time of the submission of this Complaint; and (ii) Respondent at her e-mail address.

64. This Complaint is submitted to the Center in electronic form (except to the extent not available for annexes), and in four (4) sets together with the original.

XII. Payment

65. As required by the Rules and Supplemental Rules, payment in the amount of US\$ 1,500.00 is being remitted by the enclosed check.

XIII. Certification

66. The Complainant agrees that its claim and remedies concerning the registration of the Domain Names, the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (i) the WIPO Arbitration and Mediation Center and Panelists, except in the case of deliberate wrongdoing, (ii) the Registrar,

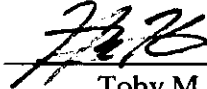
(iii) the Registrar's administrator, (iv) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees and agents.

67. The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Dated: New York, New York
August 12, 2008

Respectfully submitted,

COWAN, DEBAETS, ABRAHAMS & SHEPPARD, LLP



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