

RICHEMONT

Nominet
Minerva House
Edmund Halley Road
Oxford Science Park
Oxford OX4 4DQ

FAO: Nick Wenban-Smith

By Email: nominet@nominet.org.uk; drs@nominet.org.uk;
Nick.Wenban-Smith@nominet.org.uk
Confirmation by Post

22nd October 2013

Dear Sirs

Cartier International AG v Nominet UK

I am Head of Digital within the Intellectual Property Department at Richemont International Limited (“**Richemont**”) in London.

I am writing to inform you of a Court claim that Cartier International AG (“**Cartier**”) intends to make against you in relation to a number of third level *.uk* domain names that resolve to websites selling counterfeit goods.

Cartier is part of the Richemont group of *Maisons*. Richemont IP, digital and legal counsel act as in-house legal counsel for the *Maisons*, as the *Maisons* do not employ their own in-house legal counsel. I am therefore authorised by Cartier to send this letter on its behalf.

Richemont has always had an excellent working relationship with Nominet. I therefore wanted to provide Nominet with advance warning of Cartier’s claim and to explain the background to and reasons for the claim.

Cartier’s Trade Mark Rights

As I am sure you are aware, Cartier is the owner of the CARTIER trade mark with registrations in many countries throughout the world. In particular, Cartier owns UK Trade Mark Registration No. 642791, CARTIER, which has a filing date of 10 December 1945 and covers, *inter alia*, “watches” in Class 14.

RICHEMONT INTERNATIONAL LIMITED
15 HILL STREET, LONDON W1J 5QT
TELEPHONE +44 (0)20 7499 2539 TELEFAX +44 (0)20 7491 0524 www.richemont.com

Registered Office as above No. 2263767 England

RICHMONT

Cartier uses the CARTIER trade mark in connection with the manufacture and sale of various luxury goods, including watches, and related services and has developed a significant and widespread reputation in the CARTIER trade mark. The CARTIER trade mark is a very significant asset for Cartier and it allows consumers to distinguish its goods and services from those of other businesses.

The Counterfeiting Websites

As with other brand owners, Cartier is frustrated by the almost overwhelming number of websites that offer counterfeit CARTIER brand goods. Cartier and other Richemont brands have been considering the practical and legal steps it can take to close down websites that offer counterfeits or, at the very least, to make these website inaccessible to the majority of Internet users.

This proposed application concerns the sale of counterfeit CARTIER watches via websites at .uk domain names (the “**Counterfeiting Websites**”). The Counterfeiting Websites appear to primarily be run from China, with no genuine, traceable address on the WHOIS record. In each case, the relevant .uk domain name does not include the CARTIER mark but rather consists of generic terms such as “watches”, “cheap” etc.

As you can no doubt understand, Cartier is keen to ensure that the Counterfeiting Websites are prevented from selling counterfeit CARTIER watches. The sale of such counterfeit goods causes both financial loss and reputational harm to Cartier, its brand and goodwill.

The Proposed Action

Cartier understands that you will not generally take action in respect of a complaint against a .uk domain name where the object of the complaint is the content and/or use of the website rather than the domain name itself. On your website, you suggest that the complainant should contact the registrant of the website or the website host. However, in this instance the lack of reliable contact details for the operators of the Counterfeiting Websites means that it is impossible (or, at best, wholly impractical) to contact the registrants of the .uk domain names associated with the Counterfeiting Websites and/or to serve those registrants with legal proceedings directly. Further, it is equally impractical to contact the hosts of the Counterfeiting Websites because experience shows that, even if the host agrees to stop hosting the Counterfeiting Websites, the Counterfeiting Websites tend to reappear within a day or two with a different host.

RICHEMONT

Cartier therefore believes the most cost effective and efficient way to disrupt access to the Counterfeiting Websites operating in the UK is to seek relief from you, as the body operating the registry of .uk domain names. Cartier will be seeking from the Court an Order requiring you to de-tag and lock (until their expiration date) the .uk domain names associated with the Counterfeiting Websites. Without a domain name, the Counterfeiting Websites will not be accessible to ordinary Internet users anywhere in the world.

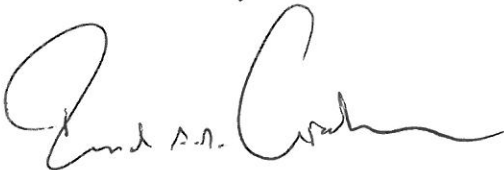
De-tagging and locking the .uk domain names associated with the Counterfeiting Websites is an action that you should be able to do quickly, easily and without incurring any significant additional cost to your normal course of business. Cartier also notes that you retain the right, as part of your Terms and Conditions of Domain Name Registration, to de-tag and lock domain names if, amongst other things, you are ordered to do so by a Court.

I am therefore writing to put Nominet on notice of the claim Cartier will be making and to request your co-operation with such claim. I enclose for your records a copy of the draft Claim Form (Appendix 1) and draft Order (Appendix 2), together with Cartier's draft Particulars of Claim (Appendix 3), including Annexes A - C, which set out the background of and reason for our claim in more detail.

You will be officially served with these proceedings in due course. When a date for the hearing has been fixed, you shall of course be informed should you wish to attend. Richemont will of course look to work with the Court to ensure that the final wording of the Order is not onerous on Nominet and has no (or minimal) impact on your day-to-day operations.

If you have any questions or require any more information please do not hesitate to contact me at richard.graham@richemont-ip.com or on 020 7514 2764.

Yours faithfully



Richard Graham
Head of Digital

RICHEMONT
Intellectual Property Department

Encs.