

Amended in red on this 23rd day of April 2021 pursuant to the Order made by Hon Ng J on the 19th day of April 2021

Registrar

Re-Amended in green on this 23rd day of April 2021 pursuant to the Order made by Mr. Recorder S. Wong S.C. on the 23rd day of April 2021

s.d.
Registrar



23 APR 2021

HCA 1767/2020

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1767 OF 2020

BETWEEN

DotPH Domains Inc.	1 st Plaintiff
NSPH Limited	2 nd Plaintiff
and	
Asia Spa and Wellness Promotion Council Limited	1 st Defendant
DotAsia Organisation Limited	2 nd Defendant
Namesphere Limited	3 rd Defendant
Chung Wang On Edmon	4 th Defendant
Lim Choon Sai	5 th Defendant
Sathees Babu Chellikattuveli Sivanandan	6 th Defendant
Atsushi Endo	7 th Defendant
Lianna Galstyan	8 th Defendant
Maureen Moari Marama Hilyard	9 th Defendant

NOTICE TO THE 1ST DEFENDANT

1. This Order prohibits you from doing the acts set out in this Order. You should read the whole of this document carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the court to vary or discharge this Order.

2. If you disobey this Order you may be found guilty of contempt of Court and you may be sent to prison or fined or your assets may be seized.

BEFORE MR. RECORDER S. WONG S. C. IN CHAMBERS

RE-AMENDED ORDER

UPON the application of the 1st and 2nd Plaintiffs by way of Summons filed on the 24th day of March 2021 (the “Summons”)

AND UPON reading the Fourth Affidavit of Lee Hoi Wan filed on the 24th day of March 2021 together with the exhibits therein referred to and the Affidavit of Jose Emmanuel Mercado Disini filed on the 29th day of March 2021 together with the exhibits therein referred to

AND UPON hearing senior counsel for the 1st and 2nd Plaintiffs, counsel for the 1st Defendant and counsel for the 2nd to 4th Defendants

AND UPON the undertakings of the 1st Defendant that:

- (1) Apart from the proper operations of the registry and/or in fulfilment of its existing contractual obligations of the sub-domains, namely, registry.spa and nic.spa, not to sell or lease or dispose of any interest in any .spa sub-domains to itself and/or any entity in which it and/or its shareholders have an interest (direct or indirect);
- (2) To keep detailed records of all sales of .spa sub-domains made (including the relevant domain names, prices, dates of sale, registrars, registrants);
- (3) Not to enter into launch agreements or otherwise dispose of any sub-domain names in favour of the 1st to 9th Defendants, and/or persons or entities who are, to the best of the 1st Defendant’s knowledge, their officers, directors, agents, nominees or associates including, without limitation, any entities in which they own (directly or indirectly, individually or collectively) any shareholding or interest legally or beneficially, without the express written consent of the Plaintiffs;
- (4) Apart from the proper operations of the registry and/or in fulfilment of its existing contractual obligations of the sub-domains, namely, registry.spa and nic.spa, not to purchase any interest in any .spa sub-domains, whether through itself, its agents, nominees or associates including without limitation any entities in which it owns (directly or indirectly) any shareholding or interest legally or beneficially.

IT IS ORDERED that :-

1. The 1st Defendant (whether directly or indirectly and whether by itself or via its agents or service providers (viz. registrars and registry backend) (“Agents/Service Providers”), employees and/or associated corporate entities whatsoever) be restrained from entering into any agreements for the sale, lease or other use or disposal of any .spa sub-domains (“Launch Agreements”) and/or causing, procuring or giving consent to the Agents/Service Providers to enter into any Launch Agreements, and shall forthwith (and in any event by Saturday, 24 April 2021) give a written direction to the Agents/Service Providers not to enter into any Launch Agreements, until further order or determination of the Summons, unless otherwise agreed between the 1st and 2nd Plaintiffs and the 1st Defendant, and subject to the exception of fulfilment of the 1st Defendant’s and/or the Agents/Service Providers’ existing contractual obligations which mandate the entering into of Launch Agreements as aforesaid;
- 1A. To enable the proper policing of paragraph 1 above, the 1st Defendant do forthwith and in any event within 7 days of the order to be made disclose to the Plaintiffs: (i) the identity of the registrars to whom it has entered into agreement and (ii) copies of all registry-registrar agreements entered into with such registrars;
2. The 1st Defendant do file its affirmation evidence in opposition to the Summons within 28 days from the date hereof;
3. The 1st and 2nd Plaintiffs do file their affirmation evidence in reply within 28 days thereafter;
4. No further affirmation shall be filed unless with leave of the Court;
5. The Summons be adjourned for substantive argument before a Judge with 1 day reserved to the earliest available date of the Court, but not earlier than 28th June 2021, such date to be fixed immediately upon this Order; and
6. Costs reserved.

Dated this 1st day of April 2021

Registrar

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Maureen Moari Marama Hilyard

9th Defendant

RE-AMENDED ORDER

Filed on: the day of 2021.

23 APR 2021

MESSRS. SO, LUNG & ASSOCIATES
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