

CurtisNeeley - I am suing BuyDomains

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26 January 2009 @ 04:53 pm

I am suing BuyDomains

Ex.

Jason Minor,

Eartheye.com was MYdomain until I was involved in a car wreck. While I was in a coma the domain expired. BuyDomains took advantage of a domain that was registered and being used by an artist to become unjustly enriched and to exploit a severely disabled. I will file a UDRP complaint and during research this A. M. I found the ACPA [codified as 15 USC 1125(d)] is aimed at people who register a domain name with the intention of taking financial advantage of another's trademark. In other words, you guys will lose. Plus...ACPA provides that cyberpirates can be fined between \$1,000 and \$100,000 per domain name for which they are found liable, as well as being forced to transfer the domain name. I repeat that not only will you lose, you will be sued and make the news.

The trademark owner can recover (1) the domain holder's profits from use of the mark, (2) the trademark owner's damages resulting from harm to the value of mark, and (3) court costs as "actual damages." In determining the award to be paid, the court can choose to award up to three times the amount of actual damages. Attorney fees may be awarded in exceptional circumstances, such as when there was a willful and malicious violation.

Instead of having to prove the amount of "actual" damages suffered as above, the mark owner can instead request payment of "statutory damages" from \$1000 and \$100,000 per domain name.

I have requested several times that you return MY domain. There are links across the Internet that use MY name, but point to eartheye.com. I plan to file suit in Fort Smith at the United States District Court for the Western District of Arkansas by the end of March.

I formerly requested that you allow me to have MY domain at cost. I now request and will require that you PAY ME \$100.00 via PayPal and transfer the domain to me. Otherwise, I will ask for significantly more. I welcome the opportunity to meet your attorneys in court in my wheelchair. I will appeal if I loose and start fighting this in the court of public opinion. See my BLOG [<http://www.CurtisNeeley.com/BLOG>]. This will be your only offer from me to get great savings on eartheye.com. I expect you to ignore it and will start planning my lawsuit and various



complaints. As a VP of sales, you should see why your unsolicited offer for great savings on a domain I once owned causes me additional damages.

-----Original Message-----

From: Jason Miner [mailto:domains@buydomains.com]

Sent: Monday, January 26, 2009 12:15 PM

To: curtis

Subject: Winter Savings Event - get great savings on eartheye.com

Dear Curtis Neeley,

Let BuyDomains remind you that our Winter Savings Event will continue through January 31, 2009.

Spectacular discounts are available by calling our Domain Consultants at 866-846-5099 (US)
339-222-5121 (Worldwide).

These discounts do not appear on the BuyDomains website, so call us now to get eartheye.com or any other domain in our inventory!

Best wishes to a successful New Year!

Jason Miner
VP Sales
www.BuyDomains.com
jminer@buydomains.com
866-846-5099 (US)
339-222-5121 (Worldwide)

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