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Beatles' Domains 'Held Hostage' By Environmentalist - UDRP

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An environmentalist who has collected hundreds of Internet domains bearing the names of celebrities has been told that his effort to save the planet from an ecological disaster doesn't mean he's not a cybersquatter.

Mark Elsis, of Siesta Key, Fla., lost his bid to keep a cache of Internet addresses named for the surviving members of the Beatles - including such domains as GeorgeHarrison.com, Paul-McCartney.com, ePaulMcCartney.com, eGeorgeHarrison.com, and Ringo-Starr.net, among others.

But, unlike many individuals who lose battles with celebrities under dispute resolution rules of the Internet Corporation for Assigned Names and Numbers (ICANN), Elsis was not trying to profit from his celebrity monikers. Instead, he has been enlisting the Beatles' names and hundreds of other famous-sounding addresses to promote a campaign to protect the environment.

In April, lawyers for the three surviving Beatles complained about Elsis to the National Arbitration Forum, one of four organizations authorized by ICANN to sort out cases under its Uniform Domain-Name Dispute-Resolution Policy (UDRP).

This week, mediators working on five complaints ordered that Elsis turn over 12 Beatles domains, saying that the fact he didn't ask for money from the celebrities didn't excuse him from UDRP rules defining "bad faith" use of others' trademarks.

In analyzing the complaint over ePaulMcCartney.com, arbitrator Peter Michaelson wrote that "substantial value ... can arise from a celebrity endorsement - of the kind the (Elsis) demanded from McCartney - that overwhelmingly dwarfs the incidental dollar costs of registering a domain name.

"In fact, given this situation, one can simply ask whether in the absence of any such value ... would (Elsis) have registered the celebrity domain name in the first place?" he wrote. "This panel believes that in each such instance - and there are at least 365 of them involving (Elsis) - the answer would unquestionably be 'no.'"

In an interview with Newsbytes, Elsis said he has handed domains to celebrities in the past, but prefers to keep some of the many variations he registers for many of the names.

In addition, in return for the domains, he asks the celebrities to read his growing collection of essays outlining his vision of the planet's threatened ecology.

Michaelson ruled that was little different that an earlier case involving the rock band

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Metallica, which was awarded a domain name held by a fan who asked that band members meet him in person and make phone calls to some of his close friends.

In settling the complaint over six "George Harrison" domains, arbitrator James Carmody highlighted Elsis's offer to transfer some of the domain names while withholding others, quoting a line from the Beatles song "Taxman" - "That's one for you, 19 for me."

Wrote Carmody: "The domain names at issue have essentially been held hostage by (Elsis) to coerce (Harrison) to take a position of sponsorship of the particular environmental movement espoused by Elsis.

"(Harrison) may or may not share the precise environmental views of Respondent," Carmody wrote, "but the registration and use of the domain names at issue, and the subsequent refusal to transfer those domain names ... without conditions is clearly not a legitimate use and constitutes bad faith."

The Elsis collection of celebrities addresses ranges from Abbot-and-Costello.com to Ziggy-Marley.com. Almost all point to Web sites promoting his LovEarth campaign.

Elsis said he finances LovEarth through money he makes selling generic-sounding Internet addresses through businesses with names such as "Gods-Domains.com," "GreatestDomains.com" and "DomainName1.com."

Elsis says he doesn't sell the celebrity addresses and that he directed them at his issue-oriented Web sites because he believes celebrities can influence the way people think.

Elsis's LovEarth organization is at <http://www.lovearth.net> .

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