

the GigaLaw firm

DOUGLAS M. ISENBERG, ATTORNEY AT LAW, LLC

March 23, 2009

Via e-mail: scottgenerative01@yahoo.com and scott@kildall.com

Mr. Scott Kildall
3288 21st Street
#138
San Francisco, California 94110

Re: Registration and use of <wikipediaart.org> domain name

Dear Mr. Kildall:

This law firm represents Wikimedia Foundation Inc. (“Wikimedia”), with respect to certain of its trademark and other intellectual property matters, including domain names. As you surely know, Wikimedia is a nonprofit charitable organization dedicated to encouraging the growth, development and distribution of free, multilingual content, and to providing the full content of these projects to the public free of charge. Wikimedia operates some of the largest collaboratively edited reference projects in the world, including the Wikipedia website, the fourth most visited website in the world. More than 11.5 million articles in various languages have been published on the Wikipedia website.

For your reference, Wikimedia is the owner of numerous trademark registrations worldwide that consist of or contain the mark WIKIPEDIA, including U.S. Reg. No. 3,505,429 for WIKIPEDIA (filed September 20, 2006; registered September 23, 2008); U.S. Reg. No. 3,040,722 for WIKIPEDIA (filed September 14, 2004; registered January 10, 2006); and European Community No. 0839132 for WIKIPEDIA (filed and registered December 16, 2004).

We have learned that you registered (on July 10, 2008) the domain name <wikipediaart.org> and are using it in connection with a website called “Wikipedia Art,” as shown in the screenshot on the following page:

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As a trademark owner, Wikimedia is obligated to enforce its legal rights, which includes policing the Internet for unauthorized uses of the WIKIPEDIA name, including in domain names. Although Wikimedia understands that your use of the WIKIPEDIA name may not be intended to violate Wikimedia's rights, Wikimedia is concerned that doing so may mislead Internet users into believing that your website is somehow affiliated, connected or associated with Wikimedia. As a result, Wikimedia has asked me to investigate whether your actions violate the U.S. Anticybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d); the U.S.

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Trademark Act, 15 U.S.C. § 1051 *et seq.*; the U.S. Federal Trademark Dilution Act, 15 U.S.C. § 1125(c); state and common law trademark and unfair competition statutes; and the Uniform Domain Name Dispute Resolution Policy (“UDRP”).

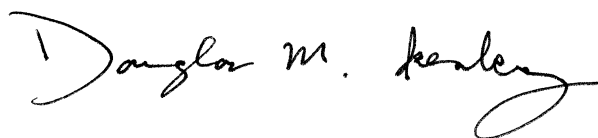
In any event, Wikimedia would like to resolve this matter amicably and is willing to consider working with you on changes to your website and domain name if you are willing to transfer the domain name to Wikimedia. Accordingly, **please let me know in writing by April 6, 2009, if you will transfer <wikipediaart.org> to Wikimedia and cease using the WIKIPEDIA trademark.**

Wikimedia hopes you understand and appreciate that its concerns are solely intended to protect the value of its WIKIPEDIA trademark and the goodwill that exists in it, for the benefit of its users, and is not intended to interfere in any way with your right to create and maintain an editable art project under another name. Wikimedia expressly reserves all rights and remedies of any kind or nature in connection with this matter, and nothing stated herein or omitted herefrom is intended to or shall waive any such rights or remedies.

Thank you in advance for your cooperation in this matter.

Sincerely yours,

THE GIGALAW FIRM

A handwritten signature in black ink that reads "Douglas M. Isenberg". The signature is written in a cursive style with a large, sweeping initial "D".

Douglas M. Isenberg
Attorney at Law