

Austin Man Wins Battle to Protect his Internet Domain Court Affirms Rights of Independent Web Publishers

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For Immediate Release

Austin, Texas -- February 8, 2002 -- This week, a California court ruled that the long-time holder of the UNICOM.COM Internet domain would not be forced to hand it over to a California company.

In February of 1990--before the World Wide Web even existed in the United States-- Chip Rosenthal registered UNICOM.COM. Seven years later, Unicom Systems, Inc. of California filed for Federal trademark registrations. Armed with those trademarks, USI tried to force Mr. Rosenthal to hand over his domain.

USI filed suit in United States District Court, Central District of California, alleging Rosenthal had committed acts ranging from cyberpiracy to trademark infringement. This week, the court found in favor of Mr. Rosenthal, and dismissed all charges.

Mr. Rosenthal registered the domain for his consulting business based in Austin, Texas, and uses the web site <www.unicom.com> to publish software and information for the Internet community. "I'm delighted by the decision," he said. "The domain was registered in good faith and has been put to fair use. It's outrageous some company thinks they can come along and just swipe it out from under me. I knew it was wrong, and I knew I had to fight back."

Mr. Rosenthal was represented by the legal team of Edmond, Oklahoma, attorney Cherie M. Chappell, of Chappell Law Firm, PLLC, and Culver City, California attorney, James S. Tyre.

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"The facts of Mr. Rosenthal's case required dismissal in California," said Ms. Chappell. "The Court's decision supports established Internet jurisdiction precedents, and fortifies them for future litigants. If USI decides to pursue their unsubstantiated, frivolous claims against Mr. Rosenthal in Texas, we will be there to support him every step of the way." Ms. Chappell's web site is <www.chappelllawfirm.com>.

"This is a big victory," said Mr. Tyre. "The Court granted our motion to dismiss for lack of personal jurisdiction. There's much to be said for the proposition that courts do not have unlimited reach, even when the Internet is involved." Mr. Tyre is a founder of the Censorware Project, its web site at <censorware.net>.

The case has been watched closely in many corners of the Internet community. Mr. Rosenthal setup a web site <save.unicom.com> where he reported on the progress of the case. The web site includes an interactive guestbook, where over 500 people have left messages of support. Messages have come from notable people ranging from Karl Auerbach, At-Large Director of ICANN (the organization that operates the Internet domain name system) to Hollywood actor Wil Wheaton.

Mr. Rosenthal was pleased that his victory may help other independent web publishers. "This case will provide additional protections to the small web publisher," he said. "No longer can companies use 'long arm' tactics to drag people into far-flung locations to defend their Internet domain. If you are an independent publisher, a company after your domain is going to have to come face you down on your own home turf."

For more information on the lawsuit, visit: <http://save.unicom.com/>

Rosenthal's Unicom Systems Development home page: <http://www.unicom.com/>

USI corporate home page: <http://www.unicomsi.com/>

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