

STUDIO BARBERO

DOMAIN NAMES AND INTERNET CONSULTING

VIA REGISTERED MAIL & EMAIL

Paul Bennett
1538 Michelbook Ln
McMinnville, Oregon 97128
United States

pbennett@macnet.com

Turin, March 26, 2010

RE: Ferrari SpA v. Bennett - ferraridiagrams.com; ferrariwiring.com
(Our Ref. D0010384 Ferrari SpA v. Bennett - ferraridiagrams.com; ferrariwiring.com)

Dear Mr. Bennett,

1. We convey this cease and desist demand letter in the name of, and on behalf of, Ferrari S.p.A., headquartered at Via Emilia Est, 1163, Modena, ITALY.
2. As you are certainly aware, our client is the owner of the trademark "FERRARI" and has been since 1967, with registrations in Italy and many other countries. For your convenience we cite, *inter alia*, Italian Registration No. 0000710753 of June 2, 1997, in Classes 3, 6, 14, 16, 18, 25, 28, 37, and 41; International Registration Nos. 338985 of October 23, 1967, in Class 12; 439781 of June 13, 1978, in Classes 9, 18, 25, and 28; 486294 of March 23, 1984, in Classes 6, 8, 9, 12, 14, 16; and Community Trademark Registrations Nos. 162099 of November 24, 1998, in Classes 12 and 37; and 1616457 of October 26, 1998, in Classes 3, 6, 9, 14, 16, 18, 24, 25, 28, and 41. Additionally, our client also owns the figurative trademark *Prancing Horse*. For this trademark we cite, *inter alia*, International Registrations Nos. 338988 of October 23, 1967, in Class 12; 681428 of July 9, 1997, in Classes 3, 6, 9, 14, 16, 18, 24, 25, 28, and 37; and 681428A of July 9, 1997, in Classes 3, 6, 9, 14, 16, 18, 24, 25, and 28.
3. Please be advised that Ferrari S.p.A. has secured national registrations in many other jurisdictions, including Australia, Austria, China, Egypt, France, Germany, Greece, Hungary, Israel, Japan, Morocco, Netherlands, Poland, Romania, Russia, Slovakia, Spain, Sweden, Turkey, United States, and Vietnam. Accordingly, the trademark "FERRARI" is certainly well known worldwide.
4. Our client has recently become aware that you are making active use of the domain names **<ferraridiagrams.com>** and **<ferrariwiring.com>** without any *prima facie* rights to, or legitimate interests in, this distinctive sign.
5. Your registration and use of a domain name containing the trademark FERRARI constitutes a clear infringement of our client's rights due to the obvious risk of confusion, mistake, and deception caused by the subject domain name. Please also be advised that Courts in the majority

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DOMAIN NAME AND INTERNET CONSULTING

of jurisdictions, including yours, as well as Arbitration Panels, consistently maintain that registering a third party's trademark as a domain name (widely referred to as "domain name grabbing" or "abusive registration of a domain name") is a violation of an entity's intellectual property rights.

6. Furthermore, we have ascertained that you are actively using the above-captioned domain name by publishing on the home page, and on corresponding web pages, Ferrari S.p.A.'s trademarks, distinctive signs, including the Prancing Horse Scudetto, and Ferrari diagrams. Moreover, your web site also contains multiple copyrighted images of Ferrari automobiles or of Ferrari parts on the homepage and on the other web pages, which you intentionally use to attract, for commercial gain, Internet users to your web site by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of your web site by our client. We also have ascertained that, on every diagram, the Ferrari name appears in the characteristic lettering, which is also protected as a trade mark.

7. In light of the foregoing, we hereby demand that you immediately:

- a) cease any and all use of the above-referenced domain name;
- b) cease any use of all trademarks, distinctive signs, and images belonging to Ferrari S.p.A. and permanently remove them from your web site;
- c) confirm in writing to our attention your availability to immediately transfer the above-referenced domain names, free of any charge, to our client;
- d) undertake not to register and/or to use in any other country the designation FERRARI as a trademark, domain name, trade name or, more generally, as a distinctive sign; and
- e) refrain from merely cancelling the domain name since doing so shall be considered by our client as tantamount to your direct assignment of it to an illegitimate third party.

8. Please be advised that our client might seek compensation for the damages, including legal costs, sustained as a result of your wrongful use of their trademarks and images on your web sites **<ferraridiagrams.com>** and **<ferrariwiring.com>**. Alternatively, our client might consider foregoing actions for damages and legal fees should you promptly reply to this letter complying with all of the conditions set forth herein and acknowledging our client's prior rights without qualification.

9. We are confident that you will timely comply with the demands of Ferrari S.p.A. set forth herein. However, your failure to satisfy each of the conditions set forth *supra* in Paragraph 7, and/or without your express acknowledgment of the merits of our client's assertions, within, and not later than,

7 days

from receipt of this letter, will force our client to seek vindication of its intellectual property rights without any further notice to you by any means and in any venue deemed appropriate with the assistance of our associated law firm in your jurisdiction. We note that this letter is written without

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DOMAIN NAME AND INTERNET CONSULTING

prejudice to, or waiver of, Ferrari S.P.A.'s rights and remedies worldwide, all of which are hereby expressly reserved.

Sincerely,

STUDIO BARBERO

A handwritten signature in black ink, appearing to read 'Luca Barbero', with a stylized, cursive script.

Dr. Luca Barbero