

22nd April 2021

LG-21224/EL
Mr. S. W. Lung / Ms. Edith Lee

BY EMAIL

Registrars

and

To Whom It May Concern

Dear Sirs,

Re: HCA 1767/2020 – in relation to .spa TLD

1st Plaintiff: DotPH Domains Inc.

2nd Plaintiff: NSPH Limited

1st Defendant: Asia Spa and Wellness Promotion Council Limited

2nd Defendant: DotAsia Organisation Limited

3rd Defendant: Namesphere Limited

4th Defendant Chung Wang On Edmon

and others

We act for the 1st and 2nd Plaintiffs, DotPH Domains Inc. and NSPH Limited, and refer to our letter dated 17th April 2021 and 20th April 2021 (copy as enclosed).

We enclose herewith a copy of the sealed interim interim Injunction Order made by Mr. Recorder S. Wong S. C. of Hong Kong Court dated 1st April 2021 against the 1st Defendant, Asia Spa and Wellness Promotion Council Limited, the registry operator of the .spa TLD for your kind attention and follow up action. Its content is self-explanatory.

“The 1st Defendant (whether directly or indirectly and whether by itself or via its agents or service providers (viz. registrars and registry backend) (“**Agents/Service Providers**”), employees and/or associated corporate entities whatsoever) be restrained from entering into any agreements for the sale, lease or other use or disposal of any .spa sub-domains (“**Launch Agreements**”) and/or causing, procuring or giving consent to the Agents/Service Providers to enter into any Launch Agreements, until 23rd April 2021, unless otherwise agreed between the 1st and 2nd Plaintiffs and the 1st Defendant, and subject to the exception of fulfilment of the 1st Defendant’s existing contractual obligations which mandate the entering into of Launch Agreements as aforesaid”

Please also be informed that the 1st Defendant also made the following undertakings : -

- (1) Apart from the proper operations of the registry and/or in fulfilment of its existing contractual obligations of the sub-domains, namely, registry.spa and nic.spa, not to sell or lease or dispose of any interest in any .spa sub-domains to itself and/or any entity in which it and/or its shareholders have an interest (direct or indirect);
- (2) To keep detailed records of all sales of .spa sub-domains made (including the relevant domain names, prices, dates of sale, registrars, registrants);
- (3) Not to enter into launch agreements or otherwise dispose of any sub-domain names in favour of the 1st to 9th Defendants, and/or persons or entities who are, to the best of the 1st Defendant's knowledge, their officers, directors, agents, nominees or associates including, without limitation, any entities in which they own (directly or indirectly, individually or collectively) any shareholding or interest legally or beneficially, without the express written consent of the Plaintiffs;
- (4) Apart from the proper operations of the registry and/or in fulfilment of its existing contractual obligations of the sub-domains, namely, registry.spa and nic.spa, not to purchase any interest in any .spa sub-domains, whether through itself, its agents, nominees or associates including without limitation any entities in which it owns (directly or indirectly) any shareholding or interest legally or beneficially.

Up to present, we find that in the official ICANN website, the sunrise for .spa TLD is still set for 20th April 2021 and close on 20th May 2021. To comply with the said varied interim interim injunction Order dated 1st April 2021, we would be grateful if you should **immediately refrain from entering into any Launch Agreements for the sale, lease or other use or disposal of any .spa sub-domains and/or registering any of the same on behalf of the registry operator and/or pursuant to its direction, instruction or control.**

All rights of our client are hereby reserved.

Yours faithfully,

So, Lung & Associates
LSW/EL
Encl.