



[<https://friendsofvutv.wordpress.com/2013/02/18/you-be-the-judge/>](Annex C, Exhibit E42) and

[<https://friendsofvutv.wordpress.com/2013/02/27/pnch-closed-up-3-days-in-a-row/>](Annex C, Exhibit E43) just to name two. There are many more.

- c. The first in the series of domains in this dispute was registered on or about July 18, 2013. It was shortly thereafter on July 30, 2013 that Respondent received the first in a series of emails from Complainant, (Annex A, Exhibit E3), that there was a request that Respondent remove the site. The complete series of emails are located here:  
[<http://stevensamblis.com/component/content/article/2-uncategorised/6-email-chain-textversion/>](Annex C, Exhibit E44 & E44b). It is noteworthy that the first several emails, the Complainant was obviously more concerned that Respondent was using what Complainant states are copyrighted photos, and not about Complainant's professed "common law service mark" being infringed upon.
- d. It wasn't until later in the series of exchanges that any remote indirect reference was made by Complainant about using his name, but the primary context was still the photos. See (Annex A, Exhibit E4). Also noteworthy, as seen in E4, is the response to that reference by Respondent.
- e. Still later in the series of emails, (Annex A, Exhibit E5), Complainant gives authorization to use the photos on the site. Also noteworthy, Complainant STILL has no complaint with using the professed "common law service mark".
- f. Later, in the many exchanges relating to the sites in dispute, in an email dated September 10, 2013, Complainant starts getting angry and issuing threats. See (Annex A, Exhibit E7). Complainant starts posting derogatory statements about Respondent on public message boards.
- g. Still later (November 25, 2013), Respondent begins receiving DCMA TakeDown Notices (See Annex A, Exhibits, E8, E8a & E8b) in an attempt to harass Respondent. Such requests were denied by an independent arbitrator as can be seen in the exhibits. Additionally, the first (highlighted in red square) claim Complainant lists, is a graphic (Annex A, Exhibit E8a) Respondent created, and certainly Complainant could lay no claim to, yet he goes on to swear, under penalty of perjury, that the information in the notice is accurate, and that he is the copyright owner, which of course he was not.

- h. Still later, on or about December 27, 2013, Complainant makes a post to the IC Punch Media Facebook page (Annex A, Exhibit E9), in a seemingly reckless disregard for privacy and safety, attempts to cause Respondent further embarrassment and pain by vindictively posting what Complainant believes is Respondents personal contact information.
- i. On or about January 1st a poster posts an email from Complainant (Annex A, Exhibit E10) wherein Complainant threatens a lawsuit and makes note of "*what he will owe me*".
- j. The legal threats continue into April of 2014 with the 2 message board posts seen in (Annex A, Exhibits E11 and E11a). (Hollywood Fast Lane is an entity owned by Complainant, See (Annex A, Exhibit E11b))
- k. Another threatening post dated April 28, 2014 (Annex A, Exhibit E12) in which Complainant makes another reference to the money he will receive by suing Respondent.
- l. Threats continue on September 24, 2014, (Annex B, Exhibits E36, E36b, and E36c) wherein Complainant makes another reference to "*the nice big judgment*" he will be receiving from suing Respondent, then concludes with the exchange with profanity. (Exhibit E36C (at bottom)).
- m. It is also noteworthy that in (Annex A, Exhibit E13), Complainant makes reference to the "*friends of punch blogs that slam me.*" and not the use of the domain in dispute here. An obvious reference to the content of the sites, not the sites themselves.
- n. On or about December 3, 2014, Complainant attempts (unsuccessfully) to claim trademark infringement on the Respondent's blog site, [<https://friendsofvutv.wordpress.com/>] (Annex B, Exhibit E37). An independent arbitrator reviews the complaint and finds "*insufficient cause to substantiate a claim of trademark infringement.*" As detailed above, this is another blatant attempt to silence the Respondent's free speech, and hide any unflattering information about Complainant's company.
- o. Finally, starting on December 7, 2014, after a solicitation directed at Respondent, from the Complainant's attorney in this matter to engage his legal services (Annex B, Exhibit E38) (albeit perhaps sent in error) , Respondent receives yet another threat of legal action if the UDRP case is not settled by voluntarily relinquishing the sites in dispute (Annex B, Exhibit E39).
  - i. It is also noteworthy that the pattern of threats appears to primarily focus on money. In light of this pattern of threats, Respondent suggests this domain dispute, in addition to being an attempt at silencing Complainant's free speech rights to fair comment and

criticism, is being used to set up alternative financing sources for a company that has reported no revenue for multiple quarters. (See <https://friendsofvutv.wordpress.com/2014/05/08/revenue-where-is-it/>)(Annex C, Exhibit E45), as well as (Annex B, Exhibit E40 ) excerpted from SEC filing here: [http://www.sec.gov/Archives/edgar/data/1437596/000121390014006601/f10q0614\\_icplacesinc.htm](http://www.sec.gov/Archives/edgar/data/1437596/000121390014006601/f10q0614_icplacesinc.htm) (Annex C, Exhibit E46),

## 2. Complainant brings this dispute not having clean hands.

- a. Complainant has engaged, vindictively, in the very action he accuses Respondent of doing.
- b. As seen in (Annex A, Exhibits E13, E13a, and E13b), Complainant engages in the very same actions he seeks shelter for in this dispute action. This action, in light of this complaint, certainly demonstrates the height of disingenuousness that should be attributed to the Complainant based on Complainant's own admission of no legitimate interest in the domain LarryKitellis.com, other than malice. Complainant registered the domain name in bad faith. (Annex A, Exhibit E13).

## 3. Complainant voluntarily relinquished the right to the domain StevenSamblis.com.

- a. Complainant, in section C1, and again in C3 (Respondent's Bad Faith Registration...), states that the "...Complainant ***accidentally*** allowed the registration to lapse" (emphasis added). The following will show that the statement is misleading at best, and a complete fabrication at worst.
- b. As can be seen in (Annex A, Exhibit E14), the notification for renewal of ICPUNCHMEDIA.CO (a domain once owned by Respondent, but since not renewed) began **90-days** prior to its renewal date. Follow along while the Exhibits demonstrate that it strains the imagination to state it was an "accident" Complainant let the domain lapse as he states.
- c. Annex A, Exhibit E15 shows Complainant's registration was at GoDaddy also.
- d. Annex A, Exhibit E14 shows renewal notice #1, **90-days** in advance of expiration.
- e. Annex A, Exhibit E16 shows renewal notice #2, **15-days** in advance of expiration.
- f. Annex A, Exhibit E17 shows renewal notice #3, **5-days** before expiration.
- g. Annex A, Exhibit E18 shows renewal notice #4, **on the expiration day**.
- h. Annex A, Exhibit E19 shows renewal notice #5, **5-days AFTER** expiration. Still allowing the renewal of the domain.
- i. Annex A, Exhibit E20 shows renewal notice #6, **12-days AFTER** expiration. Advising of risk of losing the domain, but **STILL** allowing the renewal of the domain.
- j. Annex A, Exhibit E21 shows the actual GoDaddy renewal policy. It can be seen that GoDaddy will hold a domain for up to **42-days** after expiration. Again, it strains the imagination to state it was an "accident" Complainant let the domain lapse as he states. There can be no question Complainant was given ample notice to renew the domain if he so chose.

**4. Complainant makes claims in items C4, 5, 6 & 7, but does not support those claims with documentation.**

- a. In item C4 Complainant states *“The Respondent has constructed and published a website resolved to by the Disputed Domains which contain false and misleading information...”*. As one example of the accuracy of the information provided on Respondents sites, please review the recent post at [<https://friendsofvutv.wordpress.com/2014/11/17/liar-liar-pants-on-fire/>](Annex C, Exhibit E47). In this post, which is representative of the volumes of information provided by the sites in general (all of which are in the public domain and readily available to document anything and everything about the Respondent’s literary work), Respondent documents each example of the Complainant’s untruthfulness. Respondent does not level unsubstantiated accusations, but in fact lists links, and/or posts actual images to support the statements, concepts and opinions contained in the posts. Respondent believes the investing public deserves to know information about the company and CEO prior to making an investment decision.
- i. Additionally, if/when one reviews postings on the public message boards, (such as [<http://investorshub.advfn.com/IC-Punch-Media-Inc-PNCH-17448/>] or, [<http://investorshangout.com/Imagination-TV-Inc-IMTV-62938/>]) or reviews the many comments the blog receives, one can see that the sites, as well as the author (the Respondent) is frequently referenced in a favorable light, and is often quoted and linked to, and appears to be well respected. Few, if any, could argue that the postings are not well written, articulate, accurate, and useful to the investing public.
- ii. Here are a few graphical images of some message board postings following the Respondent’s posting of the article referenced above: Annex B, Exhibits E27, E28, and E29.
- b. In item C5, Complainant states *“The Respondent’s conduct evidences a malicious, vindictive and purposeful campaign intended to embarrass, discredit, and defame the Complainant and to vitiate, dishonor, and impair the reputation and goodwill of the STEVEN SAMBLIS service mark.”* Again, I would draw your attention to any of the work openly published, and challenge Complainant to support those unsubstantiated accusations. Are many of the posts unflattering to the Complainant, of late yes, but if the information offered and presented has a basis in fact, and is supported, then any embarrassment and discredit belongs with the one being discussed, and was the result of their own actions. If/when one were to review the site at [<http://www.my-icpunchmedia.com/faq-page/>](Annex C, Exhibit E48) one could see that Respondent also posts the general historical activities of the company, regardless of such

being flattering or unflattering, and also other public service information such as this [http://www.my-icpunchmedia.com/survey/2-uncategorised/23-messageboards101](http://www.my-icpunchmedia.com/survey/2-uncategorised/23-messageboards101)(Annex C, Exhibit E49). Additionally, when the Complainant's stock price-per-share (PPS) falls from a reverse-split adjusted \$450.00 a share (Annex A, Exhibit E22), to the current PPS of below a penny in less than 2-years, it is only reasonable to assume some bad decisions have been made in the course of running the business, and criticism will ensue.

## 5. Complainant has not met their burden of proof.

- a. "In the administrative proceeding, the complainant must prove that each of these three elements are present."
  - i. ***"domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;"***. Complainant has not met their burden to prove the Complainant has rights to the domain name STEVEN SAMBLIS, nor have they met their burden to prove the name STEVEN SAMBLIS has value. Regarding "rights", attention is drawn to item #3 above, wherein it is apparent Complainant relinquished any such rights by their decision not to renew. Additionally, much, if not all, of the examples provided within the dispute complaint, are old and outdated. One only needs to do a quick search on the stock message boards to see the true worth of the STEVEN SAMBLIS name. Given that the PPS of the stock has fallen to the sub-penny status (after multiple reverse-splits), and given the documented issues with integrity of the Complainant (i.e. post referenced in 4a above), the Respondent maintains a position that the name has no value simply based on some old and outdated activities. Additionally, Respondent has taken extra steps, as seen in (Annex A, Exhibit E23), wherein Respondent makes clear that the site is not that of the namesake, and again in (Annex A, Exhibit E24), herein the Respondent prominently displays a notice that the site is not affiliated with any sites operated by the Complainant. Placement of that text can be seen in (Annex B, Exhibit E25).
    1. Additionally, Respondent would argue that any similarity between its domain names and Complainant's professed mark (also see 6a below) is reasonably necessary because it allows Internet users searching for information about Complainant's company to also find the related critical information provided by Respondent about such. See NAF Decision - **Office of Medical & Scientific Justice, Inc. v. J Todd DeShong Claim Number: FA1302001486064.**
  - ii. ***"you have no rights or legitimate interests in respect of the domain name;"***. Respondent was, and still is, a current investor in the company's stock. At one point Respondent owned over \$12,000.00 of the company's stock. Through reverse-splits of the stock, and mismanagement of the company, that stock value is currently valued at about \$1.00, and none of the original stock purchases have been sold. Ownership in the company certainly demonstrates a legitimate interest in the domain name, and also a

legitimate interest to comment on the company's operations, and CEO. Without posting personal financial information in this public document, Respondent has provided a graphic that supports, as well as can be expected, the above statements at (Annex B, Exhibit E26). Additionally, (Annex B, Exhibit E30) also shows an illustration of another investor's experience with the company. Also, the Complainant cites as support, the case *Dar Al-Arkan Real Estate Development Company v. Anonymous Speech* Case No. D2012-0692. In that case it appears the Respondent did not respond with any support for its legitimate interest in obtaining the name. Respondent herein certainly has. Accordingly, as described in **Office of Medical & Scientific Justice, Inc. v. J Todd DeShong NAF Case Number: FA1302001486064**, Respondent's site is non-commercial, Respondent does not offer a service competing with, or even similar to, as Respondent offers only information that investors would likely want to know if considering an investment decision.

- iii. **"your domain name has been registered and is being used in bad faith."** The site was registered to provide current, historical, and above all, factual investment information about the company, its activities, and the CEO's actions. The site was initiated when the company was progressing in their effort to bring shareholder value. In the early days of the site, posts were extremely favorable to the company and its CEO. However, as time wore on, the bad decisions and unexplained activities were too apparent to ignore. No longer could a positive slant be put on the activities without jeopardizing the integrity the Respondent sought when providing the information to their readers and followers. Again, the Complainant cites the case *Dar Al-Arkan Real Estate Development Company v. Anonymous Speech* Case No. D2012-0692 as support. However, in that case, it is listed that *"the manner in which the Respondent had concealed its identity."* was relied on as a deciding factor. As pointed out in 5.a.i above, that is not the situation in this dispute, as the Respondent has clearly differentiated itself from anything related to the company, or its CEO. Also in the decision reasoning it was stated that the Complainant *"forcefully argues that allegations..."*. In contrast, Respondent herein, forcefully argues, and demonstrates, that their postings use actual factual data and documents. Unsupported "allegations" are simply non-existent on the sites. In short, the case Complainant cited is largely dissimilar to the case in dispute here.

1. It was also alleged in the dispute that Respondent registered the site(s) (in bad faith) with the intent to *"extort the Complainant for money"*. The facts in this dispute simply do not support such an accusation. As stated above, the Respondent was not searching to acquire the disputed site(s), and as the chain of email correspondence clearly demonstrates, Respondent did not initiate any contact with Complainant regarding selling the domain, instead put them to use in a non-commercial Fair Use capacity. Also, Respondent was reluctant to sell the site(s) once the Complainant's conversation turned to such, and in fact, as

seen in (Annex B, Exhibit E31), Respondent argues against Complainant making the purchase, and also refuses a higher offer later (Annex B, Exhibit E32).

2. It should also be noted that the agreed upon price ultimately decided upon (but later cancelled by Respondent), namely \$1500.00, could hardly be considered extortion as the Complainant accuses. This was simply a discussion, and one that the Complainant initiated and pursued. The small sum initially agreed to would not have compensated Respondent for his efforts and expenses to acquire and develop the sites. Also, as mentioned above, the Respondent at one time suggested the Complainant not purchase the sites if doing so would cause pain or hardship (Annex B, Exhibit E31). It is also noteworthy that the Respondent conducts no commerce on the sites, has no advertising on any of the sites, receives no click or view revenues, and derives no income whatsoever from any of the sites, which are entirely dedicated to providing investment information to the investing public. These sites are maintained simply as a public service to fellow investors, and all costs for doing so are borne by the Respondent.

6. **Closing Argument**, Respondent asks that the content and context of the site(s) at issue here, as well as the supporting and associated sites listed herein, be reviewed in their entirety so that any decisions can be made with the full understanding of the effort Respondent took to keep the site(s) distinct, the information accurate, and to support any statements with independently verifiable documents and references. No sites were established, no statements were made, and no opinions expressed that were unsupported, or disproved. The extent of the information that has been provided to investors and potential investors is extensive, and as such prevents such from being listed and displayed as exhibits in their entirety. However all of such, in its totality, is relative to a decision with regard to bad faith and/or fair use for fair comment and criticism.

Additionally...

- a. Complainant states *“the Complainant has been using the mark STEVEN SAMBLIS in commerce since 1985 when the Complainant first began doing business as a businessman and consultant”*. Respondent believes this is a misleading statement. Steven Samblis is the Complainant’s personal name, of course he has been using it in business, however such has little, if any, significance outside of the Penny Stock investing community today. To illustrate the point, consider that the Complainant’s current primary focus in business today is his Imagination TV endeavor. Imagination TV’s primary product is (Annex B, Exhibit E34) the sale of motivational videos. If a consumer wants to buy a motivational video, would they search the internet for Steven Samblis... or would they search using search terms such as motivation, motivational video, inspiration, inspirational video, just to name a few. Consumers looking to buy a computer would not search for such using the search term Bill Gates, Michael Dell, or Steve

Jobs. It just defies logic and common sense that anyone would search for motivational videos using the search term Steven Samblis. The fact that **SteveJobs.com** (Annex B, Exhibit E35) is not owned by Steve Jobs the (deceased) CEO of Apple, hasn't seemed to hurt the sales of his company's products. This concept could be applied to any business endeavor Complainant were to engage in. In order for a person's name to be a "Mark", the person's name has to be so distinctive that the consuming public automatically thinks of a particular person, product or service when hearing that name, not just a person with that name that, among countless other names, offers the exact same good or service (See TMEP 1301.02(b)) In the case of Steven Samblis, the name does not rise to the level of notoriety in the general consuming public's mind such that the general public would know the good or service simply by hearing the name (or in this case even know the name for that matter). Additionally, Complainant has tried his hand at such a wide variety of fields, such as stock broker, web site operator, self-help services, tech review, movie review, just to name a few, that these multiple efforts only serve to dilute the professed Mark even further. In short, Complainant has not met their burden of proving Steven Samblis is a service Mark. Of course he has been using the name since 1985 because that is his name. However... if one were to think about investing in one of those companies, and search for information on the company and its practices, they would likely search using the personal name of the CEO. Currently, the only value, if any, the name Steven Samblis has, is in the Penny Stock investment community, and that the name has any significant value in the eyes of investors today, is circumspect at best.

- b. Much of the Complainant's dispute focuses on the Complainant's professed Mark as being significantly well known and of high "notoriety". As Respondent suggests in 5.a.i., and 6.b.i. herein, much, if not all, of this information is old, outdated, and questionable. The current day's value of the professed Mark is significantly diminished and tarnished, specifically in the investment community. Complainant's professed Mark value is diluted and diminished, and he seeks with this complaint to have the reasons for such hidden and censored. One only needs to navigate to just about any investment site on the internet, and unfavorable information (and many times much worse) can be found regarding Complainant's professed Mark. It is understandable the Complainant would very much like to hide his previous actions and decisions as CEO of the company to prospective investors, however Respondent suggests making better decisions is the way to improve his professed Mark, not attempting to censor his critics. As Respondent writes in one area of the site, and believes, character matters, and certainly the character of the CEO of a company matters to an investor.
  - i. Additionally, Complainant, in 5b, (1 through 5) of the Complainant Background, wherein Complainant offers up same in support of "stature and notoriety" of the professed Mark... upon first review this data seems impressive. However... upon closer review one learns that the information provided is dubious at best. For instance, the link to the time magazine article is a dead link, i.e. there is no article there. Secondly, the information in the referenced Background is all but a verbatim copy and paste from the

Steven Samblis [page] information on the IMDB website, which is referenced and offered up as validation for such. The bio information on that site is user submitted (See Annex c, Exhibit E50 and E51), much like a LinkedIn, Facebook or Monster.com bio would be. There appears to be no oversight for validation or accuracy of the data submitted to that site. This of course enables a submitter to overstate, aggrandize, and possibly completely misrepresent who they are. Thirdly, the movies listed in 5b3, wherein it's stated Complainant is "*credited as a writer*" appears to be completely inaccurate. If one were to search those movie titles on the IMDB site, and select "full cast and crew", the Complainant's name search fails – for ALL movies listed. The Complainant's name appears nowhere in any of those movie's credits. The above of course calls the Complainant's entire offering in 5b into question.

- c. Also, the site(s) in dispute are not re-direct sites, rather they are sites that provide information to the reader, with links to additional information, including Respondent's pre-existing sites. They are utilized in conjunction with the other related sites Respondent maintains, for the same informational purpose as the all others, and again, all are non-commercial.
- d. Complainant has other options. As can be seen in (Annex B, Exhibit E33), Complainant had/has 17 other options available to him, none of which did Complainant utilize. In fact, as of this writing, the domain STEVENSAMBLIS.TV is available. As the Complainant is engaged in the TV broadcasting business, this would seem like a logical fit for a domain. With 17 options available, and one of them being specifically suited for the business he is engaged in currently, Respondent suggests again, that this dispute action is simply subterfuge for silencing his critics.
- e. Respondent also asks that weight be given to what Respondent characterizes as Complainant's efforts to suppress the free speech rights of the Respondent, as well as documented references to the Complainant's integrity in this matter, namely items 1, 2, 3, and 6.b.i above. It seems apparent, as outlined in items 1, 2, 3, and 6.b.i above, Complainant seeks this relief primarily as a means to stifle the criticism of the Complainant's company and himself as CEO. It seems as though the Complainant had no problems when the sites were posting favorable information as evidenced by the initial email correspondence referenced and exhibited herein, nor did Complainant access any degree of value, care, or responsibility on the disputed domain names by relinquishing his right to such prior to Respondent acquiring such. The evidence supplied herein clearly disproves Complainant's assertions that not renewing the sites was merely an accidental oversight.

## 7. Remedy Sought

- a. The Respondent requests that the Panelist issue a decision that the domain names in dispute remain with the current owner, and, dismiss the case with prejudice, based on the individuality and/or totality of the Respondent's response, and any other resources that may be available to the panelist. Respondent also asks that a finding of Reverse Domain Name Hijacking be considered.

Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,  
FriendsofPNCH, Respondent

*1s/FriendsofPNCH*

The Respondent's preferred method for communications directed to the Respondent in the administrative proceeding: ICANN Rule 3(b)(iii).

#### Electronic-Only Material

- a.** Method: E-mail
- b.** Address: [larry\\_icpa@yahoo.com](mailto:larry_icpa@yahoo.com)
- c.** Contact: Larry

#### Material Including Hard Copy

- a.** Method: E-mail (as attachment)
- b.** Address: [larry\\_icpa@yahoo.com](mailto:larry_icpa@yahoo.com)
- c.** Contact: Larry

The Respondent chooses to have this dispute heard before a single-member administrative panel. ICANN Rule 3(b)(iv).

#### RESPONDENT INFORMATION

- a.** Name: FriendsOf PNCH
- b.** Address: 4142 Ogletown-Stanton Rd  
Newark, DE 19713
- c.** Telephone: 1.302.287.0880
- d.** Fax: N/A
- e.** E-Mail: [larry\\_icpa@yahoo.com](mailto:larry_icpa@yahoo.com)

#### OTHER LEGAL PROCEEDINGS

No other legal proceedings have been commenced or terminated in connection with or relating to the domain name that is the subject of this Complaint. ICANN Rule 3(b)(xi).

#### RESPONDANT TRANSMISSION

The Respondent asserts that a copy of this Response as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Complainant in accordance with ICANN Rule 2(b).

#### Annex Schedule:

Annex A	Respondent's Exhibits E1 through E24
Annex B	Respondent's Exhibits E25 through E40
Annex C	Respondent's Exhibits E41 through E51